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State of New Jersey.

MESSAGES

AND

OFFICIAL PAPERS

OF

Governor Randolph,

OF

NEW JERSEY,

FROM

January, 1869, to January, 1872.

J87
N517
1869

Inaugural Proceedings and Address

OF

THEODORE F. RANDOLPH,

ON HIS BEING INAUGURATED AS

GOVERNOR OF NEW JERSEY,

JANUARY 19th, 1869.

550350

INAUGURAL PROCEEDINGS.

A joint committee of the two Houses of the Legislature, having been appointed to make the necessary arrangements for the inauguration of the Governor elect, the following programme was by them agreed upon:

The military escort, under command of Brevet Major General Theodore Runyon.

The procession will move up State street to Calhoun street, countermarch, and proceed to the State House; thence Governor Ward and staff will be escorted to the State Street House, the headquarters of the Governor elect, who will then be escorted to Taylor Hall.

The procession will be in the following order:

1. Music.
2. The military escort.
3. The joint committees of the Legislature.
4. The Governor and Governor elect.
5. The Adjutant and Quartermaster Generals.
6. The staff of the Commander-in-chief.
7. The Chancellor, Chief Justice and Justices of the Supreme Court and Court of Errors.
8. The Secretary of State and State officers.
9. The Reverend Clergy.
10. Officers of the Army and Navy.
11. Mayor, Common Council and city officers of Trenton.
12. Citizens generally.

The civic part of the procession will be under the direction of the Mayor of the City of Trenton.

The inauguration ceremonies will take place in presence

of the Senate and House of Assembly, in session at Taylor Hall, at 12 o'clock M.

The order of the exercises to be as follows:

1. Prayer by Rev. John Hall, D. D.
2. The official oath to be administered to the Governor elect.
3. Delivery of the Great Seal of the State.
4. Introduction of the Governor.
5. Inaugural Address.
6. Benediction by Rev. David W. Bartine, D. D.

After the exercises have concluded, the Governor, ex-Governor, and their respective staffs, will be escorted to the State House, where a review of the troops will take place by Governor Randolph.

Trenton, Jan. 14, 1869.

The following notice appeared in the Trenton papers on the morning of the inauguration:

"The City Council and city officials are respectfully invited to join the Mayor, at 11 o'clock to-day, at the City Hall, to take part in the inauguration ceremonies.

"By order, Captain William M. Lenox and Captain Sylvester Van Syckel are appointed aids to the Mayor."

In accordance with the above arrangements made by the joint committees of the two Houses of the Legislature, on Thursday, the 14th of January, A. D. 1869, the civic part of the procession, under the direction of the Mayor of the City of Trenton, and his Marshals, Captains Lenox and Van Syckel, and the military escort participated in the ceremonies attendant upon the inauguration of the Governor elect of New Jersey, the latter under command of Brevet Major General Theodore Runyon, of the New Jersey State Rifle Corps, formed on Clinton street, its right resting on State street.

The Governor and his staff, the State Officers, and the Committees of the two houses, proceeded in carriages to the State Street House, the headquarters of Governor Randolph, who, with his suite, proceeded to Taylor Hall, escorted by

the military, Gov. Ward and staff, committees of the Legislature, Secretary of State, Comptroller, State Treasurer, Chancellor, Chief Justice, and Justices of the Supreme Court and Court of Errors and Appeals—

Ex-Governors Peter D. Vroom, Charles S. Olden, William A. Newell and Joel Parker—

The Clergy of Trenton—

Officers of the Army and Navy, among whom was General Fitz John Porter, and

The Mayor, Common Council and City Officers of Trenton.

The members of the Senate and General Assembly met at twelve o'clock M., at Taylor Hall.

The rolls of the members of the two Houses were called by the Secretary of the Senate and Clerk of the Assembly at 12 o'clock M., and after reading the journals of their respective bodies a recess was ordered of both houses until the arrival of the Governor elect.

At one o'clock the procession proceeded to the Hall where the two Houses were in session.

Upon the entrance of the Governor the Houses were called to order and the members rose to their feet.

Hon. Amos Robins, Chairman of the Joint Committee of the two Houses, presented the Governor elect to Hon. Henry S. Little, President of the Senate.

The services were opened with prayer by Rev. Dr. Hall, Pastor of the First Presbyterian Church of the city of Trenton:

And now, O Lord God, first of all we acknowledge Thee as the God of our country and of our commonwealth—OUR God. We thank Thee for the prosperity that has attended the progress of this State through the successive administrations of its government from the beginning. We implore the continuance of Thy favor in the time to come. Make efficient, to Thy praise and our welfare, the institutions of education, philanthrophy and religion. Guide the present Legislature to the faithful and conscientious performance of their duties. Give wisdom to the Judiciary, and let the

execution of the laws promote virtue as well as justice, and serve for reformation as well as punishment. Let him who now yields the office of Governor to his successor, and all who have well served the State in any trust, have the assurance of approbation as Thy servants also; and let him who is about to be inaugurated be, above all things, conscious that he is standing before Thee, as the witness of the pledge he will make upon the volume of Thy Holy Word that he will perform the duties of his place, as in Thy sight and in Thy fear. Suffer him not to forget the Divine sanction of his official vow. In all times of doubt, perplexity and temptation, cause him to remember this appeal to Thee, and so help him God, according to Thy promise to such as put their trust in Thee. Impress upon the citizens of the commonwealth that they, too, are a party in these sacred engagements, and that as it is the obligation of magistrates to act as those who must give account to Thee, so it is the obligation of the people to observe the laws, and honor those who righteously administer them. With us bless the other States and our common country. Bring all sections and parties into a just, fraternal and permanent unity among ourselves, and keep us in peace with the whole world. Our hope of acceptance in this our prayer and worship, and in the confession of our public and individual sins, is in the mediation of Thy Son our Lord, in whose words we would say, even as little children, "Our Father who art in Heaven; hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in Heaven; give us day by day our daily bread; forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, for ever. Amen.

The oath of office was then administered to Governor Randolph by Hon. Henry S. Little, President of the Senate.

Governor Ward, in handing the Great Seal of the State to Governor Randolph, said:

"I take pleasure in committing to your custody the Great Seal of the State of New Jersey, which in its present form,

comes to you through an unbroken line of Governors from 1776 to the present time."

Governor Randolph then delivered his Inaugural Address as follows :

Gentlemen of the Senate and General Assembly of the State of New Jersey, and Fellow-Citizens :

We meet under circumstances demanding my profoundest personal and political gratitude, for the confiding partiality of the people of my native State.

In honoring me as they have, with their suffrages, I shall consider myself as holding the trust they have confided to me for the common good and general welfare of the whole State. No duty shall be intentionally neglected, no power weilded but in accordance with my best judgment and conscientious convictions. Errors of decision, and mistaken or imperfect views, will be rightly understood by a generous people.

You of the legislative department of the government will take a faithful and intelligent care of the interests confided to you, and it will be my pleasure, as it will be my duty, to cordially co-operate with you in such judicious measures of legislation as the public interests demand.

THE BALLOT.

In a government founded, as ours is, upon the sovereignty of the people, and guided by their virtue, intelligence and integrity, it must always and necessarily be a matter of the first importance to preserve the source of this controlling political power in the utmost health, vigor and purity.

The ballot-box must be shielded from every taint of corruption. There should never be a doubt that it expresses fully and fairly the free will of the people. The privilege of suffrage is the right of self-government. The legitimate exercise of the one is the fundamental principle of the other and the ark of our safety. We cannot, then, too jeal-

ously guard this sacred institution. Whilst we should deny to no one entitled to it free access to the ballot-box, we should frown indignantly upon every attempt to abuse it to base and fraudulent purposes, and punish inflexibly all concerned in such desecration. A careful revision of the election laws is earnestly suggested.

TAXATION.

With the enormous national debt we have, and the almost equally pressing local requisitions, taxation to a large extent is inevitable. No matter what the causes creating debt, national or State, justice, honor and interest require the complete fulfillment of all of our obligations. All that can be done by State authority is to exercise a rigid economy in the administration of its own affairs—exacting of public servants a strict account of their stewardship, and a distribution of the burden of taxation, so as to make it fall equitably upon all. Wealth should be reached and assessed according to its volume; and the protection given to life, liberty and labor should render its equivalent. All classes have their rights and responsibilities.

RIPARIAN MATTERS.

The rights and power of the State, especially as to shore property, judiciously exercised, may largely serve to lessen the State debt, and give consequent relief in taxation. In obtaining this desirable result the greatest care should be had that no private or corporate interest be unnecessarily and therefore unwisely disturbed. The plan of reference to a commission, composed of our best citizens, seems to me to be the most likely to procure an equitable and satisfactory result in cases where an adjustment of rights and privileges is desirable or necessary.

DEMANDS ON LEGISLATION.

The increasing legislation of the State is largely due to the facility with which corporate privileges are obtained by

those who scarcely contribute to our material interests. Citizens of other states seek our legislative aid for convenience or economy. Corporations whose capital or labor is wholly employed elsewhere, occupy our legislature and courts to the detriment and cost of our own citizens. The system in practice elsewhere, of requiring a specific tax to be paid the State, upon the passage of a charter, and an annual though small assessment upon the profits or dividends arising from the chartered privilege, would circumscribe legislation to needs, and compensate the State for its grants. Many of our corporations now render such assistance to the State, and the imposition should be made general, as it may be made equitable. The legitimate demands upon your attention, arising from the rapid increase of population in the State, and consequent necessities, will be many. The community that invites labor and capital within its borders by liberal legislation, adds to its own stability and enriches its citizens.

PUBLIC IMPROVEMENTS.

No restricted policy in the matter of Public Improvements, will, in my judgment, meet with the wants and expectations of our people. Observing with scrupulous care, all the legal and equitable obligations of the State toward existing grants, it should nevertheless be made manifest by a broad, liberal and enduring policy, that corporations, like individuals, must find their greatest protection through adequate facilities given to the public, and not in class legislation or restricted competition.

However well adapted the Protective System may have been to earlier periods of our State History, the demands of our time will be best met by competition—guarded as they may and should be, by such restrictions only as experience has proven right and necessary.

EDUCATION.

The cause of Education is interwoven to such an extent with every material interest of the State, that the most

careful legislation should be bestowed upon it. Our acres are cultivated and crops secured with greater ease and profit, because through education mind mastering matter has evoked in countless useful forms, the implements of industry.

The Mechanic Arts (nowhere more fostered than in New Jersey) owe their wonderful development to the trained mind. Genius conceives, but practical intelligence executes. Liberty, in all its most cherished forms, has no more cruel though unconscious foe than ignorance. No protection to free institutions will ever be found more adequate than education. Considered, then, with reference to noble purposes or selfish aims, the cause of education should reckon all people among its friends and supporters.

AGRICULTURE.

I am strongly impressed with the stability and value of that species of prosperity in the State, springing from or dependent upon agricultural pursuits, that at the risk of a comparison, not intended to be invidious, I solicit your especial attention to those demands arising from or tending toward the development of our agricultural resources. As the art produced "the most healthful, the most useful, and the most noble employment of man," occupying more capital, talent and persons than all other pursuits combined, the development of which gives to government one of its most permanent because fraternal supports, it will ever repay patient and careful legislation.

Proffering to agricultural enterprise and capital, an equal field for employment, at least, with any of the older States, by reason of our climate, soil, fertilizers, and proximity to great markets, your legislation will aim in all prudent ways to promote intelligently conducted enterprises pointing to agricultural advancement. Society will be benefited, as the uncertainties of professional or mercantile life are understood, and agricultural and mechanical pursuits are protected, ennobled and rendered successful.

MANUFACTURES.

New Jersey stands sixteenth among the States as to population, yet ranks fifth or sixth among them in value of its manufactured products. A single collection district yields the largest revenue to the general government, save one, in the United States. I feel assured you will fully appreciate the propriety of continuing that policy which has heretofore induced manufacturing enterprise and capital to seek our protection. Employment is given to a very large and intelligent class of citizens by the manufacturers of our State; and those employed being both producers and consumers within the State, their citizenship is an especial value.

MILITIA.

The militia system of the State will require your attention to some extent. The conceded superiority of the New Jersey troops in many a contest during the late war, next to an innate heroism, came largely from a greater knowledge of military law and life. This knowledge should be transmitted as part of the inheritance of a people meaning to be free.

Our State was among the first to provide for the families of those who imperiled their lives for the defence of the Union. We owe to the men who sustained our reputation upon many a hard-fought field a lasting obligation, and to such of them as have been maimed or broken in health, and to the children of such as lost their lives and are yet of insufficient age to provide for themselves, we should, through existing hospitals and homes, afford them adequate shelter and support in their exigencies. Humanity and justice will ever demand the recognition of such claims from the State. Government can not afford to be unjust to its defenders.

PORTS OF ENTRY.

Unless reasons exist other than those heretofore urged against the measure, our seaboard cities should be made

ports of entry, and the benefits arising therefrom made to inure directly to our own State and citizens. An immense foreign tonnage already seeks our superior facilities and accommodations, and it is not hazarding too much to say that with the great and increasing railroad terminal arrangements within our borders, especially in Hudson County, the tonnage of exports and imports will finally rival that of any State in the Union. All the expenses incident to the transaction of such large and valuable commercial business fall upon the municipal and other authorities, who necessarily protect it, and justice would seem to demand that such benefits as may arise from the establishment of ports of entry be directly had by our own people.

SHORTER SESSIONS.

An evil, known and acknowledged by all experienced in legislation, will, I sincerely trust, receive your earliest attention. The Constitution plainly points to a period of forty days as sufficient under ordinary circumstances for the transaction of legislative business. In recent years the earlier portion of the session has usually concluded upon little or no important business, the later periods being unduly pressed thereby, and the total time consumed being far beyond the demands of any real necessity. The burdens of cost, and many evils and inconveniences arising from this custom are too manifest to need recapitulation at my hands. Without suggesting any method by which the evil may be remedied, I will cordially co-operate with your honorable bodies in such action as your wisdom and experience may indicate.

FEDERAL RELATIONS.

Undoubtedly a large majority of our people believe that the prompt admission of representatives in Congress from all the States vital to the fulfillment of the bond of union between them, necessary as a guard against the encroachments of power, and essential to the preservation of a system by which life, liberty and property are protected—the very

object of government. The exclusion of a single State from the councils of the nation, gives to the heresy of secession a reality which the triumph of the Confederate arms could scarcely have made more substantial. Practically, the evils of successful rebellion are entailed by the cost of guarding armies, the impoverishing of vast territories by withholding security to labor and capital that would else be prompt to enrich them, and finally, by the constant danger to the adhering States attendant upon the exercise of questionable power. A government that has demonstrated its power in the degree we have witnessed can scorn fear, and add immeasurably to its strength by conciliation.

Among nations, as among men, the weak, timid and vacillating are usually the advocates of cruel, selfish or illegal measures. Peace to a nation, or prosperity to a people, is never born of such counsels.

Among the multitudes of men, whose birth, attachments, associations and interests are within the Southern States, there can be found many of such unquestionable fidelity, integrity and intelligence, as to render it safe to repose confidence in them, and therefore wise and just to do it. For the general welfare and prosperity it cannot be too promptly done. No danger growing out of properly guarded representation from the Southern States can be equal to that of conceding as a *right* the undue exercise of power to some States and the total deprivation of it to others.

New Jersey, through her delegates in the Convention forming the Federal Constitution, was conspicuous for its opposition to the plans presented by that body, by which certain States, superior in power, population or wealth, should obtain an undue ascendency in the administration of the affairs of the government, or within which were to be found the seeds of a centralized form of government, and was equally conspicuous for its fidelity to every proposition that looked to the preservation of the rights of the States in all their integrity, force and energy. Equal representation in the Senate from each State was the fruit of this steadfast adherence to the principle of the equality of the States.

Any plan, however well intended, or any argument, however specious, that strikes at this principle, so long contended for, is subversive of a government founded by the States themselves, the better to preserve their union and equality.

Contending with other States, and successfully, for this equality and protection, our delegates in the Federal Convention were not unmindful of the power necessary to the Federal Government for the maintenance and protection of its dignity and authority, and as will be recollected, submitted by one of our own delegates, a proposition to be engrafted in the Constitution, by which in explicit terms the Federal Executive was to be authorized to call for the power of the Confederated or United States if any State, or any body of men in any State, should oppose or prevent the carrying out of any act of Congress under the Constitution. The omission to engraft this explicit authority within the Federal Constitution is not to be counted in cost now. New Jersey made a record for itself in those memorable days.

It is essential under a republican form of government to obtain voluntary obedience in time of peace. The obedience of a people that is compelled, is almost as dangerous to the power as to the subject. A government that exists by force alone carries within it the seeds of its dissolution, and by its very nature is at war with the principles of liberty.

Believing, as the majority of our people do, that the almost indiscriminate exclusion of real representatives from the Southern States is violative of the spirit of the Federal Union, dangerous as a precedent, especially to the citizens of the smaller States, and unnecessary for any patriotic purpose, they also unquestionably believe that the destiny of the Southern people is, when reinstated, mainly in their own hands. Accepting the inexorable logic of events, they should ennoble labor, and turn it to their advantage, develop their own abundant resources, practice an economy beyond our example, establish and enforce law and order in their midst—render full justice to all classes in their courts, and supersede the necessity of interference on any possible pre-

text. This done, their future will rival in prosperity that of any of the States.

The people of New Jersey having evinced their patriotism in council and in the field through every emergency, from the foundation of the government, and in them all being second to none in unflinching devotion to the government of their creation and choice, it is their right and privilege to counsel and advise. With every returning sign of unity and prosperity, they turn with gladdened hearts to the larger and more magnificent field of the nation. Their brethren, long estranged, are, as a whole, anxious to resume the relations of commercial, social and political intercourse. Duty and interest alike point to a cultivation of good will, confidence and sympathy, between the people of all the States, and without which we can never be a homogeneous or a prosperous people. Let it be our endeavor to promote this blessed reunion.

Our fathers have left us a noble heritage—a State without a blot on her escutcheon. Though small in territory, we are rich in historical associations, unvarying in the fidelity and intelligent patriotism of our people; abounding in agricultural wealth and thrift, manufacturing industry and enterprise; with a commerce that already rivals most of the larger States; teeming with the richest minerals, and having the skill and science to convert them to their appropriate uses—behind but few States in the means and progress of education, with a judiciary incorrupt and incorruptible, and with a population second to no State in high-toned morals, orderly and cheerful obedience to the laws.

Under such benignant auspices, with the blessing of God, our way must be onward to the ultimate rewards of an intelligent and prosperous community.

After the conclusion of the address, Rev. David W. Bartine, D. D., pronounced the benediction.

MESSAGE

TO THE SENATE AND GENERAL ASSEMBLY,

RECOMMENDING THE

ABOLISHMENT OF TRANSIT DUTIES.

MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, February 24, 1869.

To the Senate and General Assembly:

The time has arrived, in my judgment, when a change can be safely and judiciously made in the mode of taxation as applied to corporations upon which taxation has heretofore been levied by means of transit duties.

I therefore recommend to your honorable bodies the enactment of a law, upon the acceptance of which by the companies now paying transit duties (if such acceptance be requisite), all payments by them of such duties, whether upon passengers or freight, shall cease. To adequately provide for an income to the State, equal, at least, to that at present obtained from corporations, provision should be made for the establishment of a just and uniform rate of taxation upon all railroad and canal companies, subject at all times to such changes in the rate of taxation as the Legislature may deem it necessary or expedient to make.

Provision should be made, however, for the payment of an amount per annum, by existing corporations, equal to that paid by them to the State for the year past.

In guarding the incomes of the State from diminution, the probable effect of the provision I have recommended would be to make, for the time being, a somewhat unequal assessment upon existing corporations. A number of reasons could be submitted, were it necessary, to show that the inequality is more apparent than real.

Great care should, nevertheless, be taken in the establish-

ment of the new system, that no real injustice is done to the corporations whose interests are to be affected by its provisions. Many important considerations will undoubtedly suggest themselves in arranging the details of an act so important to the State, and ultimately, and not remotely, valuable to its corporations. I am convinced that the present mode of obtaining revenue by the imposition of transit duties is inconsistent with the spirit of our people, the more enlightened and just modes of taxation experience has developed, and unequal, also, in its operations upon our citizens.

The operation of the system, too, is either persistently misunderstood or willfully misinterpreted by citizens of other States.

I believe the enactment of a law containing the general principles I have recommended would leave the State free to pursue the most liberal policy as to public improvements, and finally tend to turn the current of legislation, as regards taxation, toward a system more just in its provisions and equitable in its operations than our tax laws of late years have seemed to be.

For these reasons I urge your attention to the recommendations I have the honor to transmit to your honorable bodies.

Respectfully submitted,

THEODORE F. RANDOLPH,
Governor.

Recommendation sustained by Legislature, and law passed. See — Vol, Laws 1869, page —.

MESSAGE

RELATIVE TO

THE VINELAND RAILWAY.

VETO MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, February 24th, 1869.

To the Senate and General Assembly:

I herewith return to the House of General Assembly, Assembly Bill No. 63 entitled "an act to authorize certain townships and cities in the county of Cumberland, or any other county, along the line of the Vineland Railway, or through which it shall pass, or within three miles of said road, to issue bonds and take stock in the Vineland Railway Company," without my signature and with my objections to said bill.

The long settled policy of this State, as indicated by its legislation, with reference to townships, towns and boroughs, has been to limit the taxing power of such municipalities to raising money by votes of the legal voters, given at regular public elections, to be expended within the municipality, for purposes only of limited municipal government.

This bill authorizes the assessment of taxes upon the property of townships and cities referred to in this Bill, during a period of twenty-five years, at least, for the purpose of building a railroad, no part of which is required to be within the territory of the township or city, upon the property on which the tax is imposed, and in the control and management of which railroad and of the concerns of the company to which the road belongs the taxed townships or cities will have any voice in the management of the affairs of the railroad company, or of its road. If a representation in the direction of the railroad company were secured to the townships and cities which become stockholders,

owing to inherit difficulties in selecting suitable and efficient representatives, the representation would be of little practical value to the townships and cities. This Bill, then, enables the property of the people of a township or city to be taxed to contribute to the stock of a private railroad corporation, in the management of which private corporation the municipality can and will have no control. While the stock of the railroad company is to be paid for at par, and while the principal and interest of the municipal bonds are to be paid for at par, the bonds themselves may be disposed of at any rate of usury or discount that the commissioners see fit.

Before such a policy is engrafted in our system for the government of our local municipalities, I feel constrained to invite the deliberate consideration and judgment of the Legislature as to its wisdom and practical operation.

It is well worthy of consideration, whether the mischiefs and abuses sure to result from such a mode of raising funds to build the railway of a private railroad corporation will not vastly outweigh all advantages which can accrue from it to the people of the taxed localities.

It is also to be doubted whether it will be wise, or in any respect beneficial, to permit townships, towns and cities to buy, hold and sell the stocks of private corporations. As a general rule, the effect cannot fail to be a loss the municipality. The imposing of the tax by consent, in writing, of a majority of the tax-payers, obtained separately, instead of having the question decided at a public township meeting or township election, where the voters all assemble at one place, and have an opportunity for conference and discussion, is a departure from the long established mode of deciding such questions in this state, and open to so many frauds and abuses that its expediency is more than doubtful.

All of which is respectfully submitted for your consideration and action.

THEODORE F. RANDOLPH,
Governor.

Veto sustained.

MESSAGE

TRANSMITTING

The Proposed Fifteenth Amendment

TO THE

CONSTITUTION OF THE UNITED STATES.

MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, March, 1869.

To the Senate and General Assembly:

I transmit herewith to the Legislature the concurrent resolutions of the Congress of the United States, proposing an amendment to the Constitution, to be known, if ratified by the requisite number of States, as the Fifteenth Article of the Constitution, reading as follows:

"SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. That Congress shall have power to enforce this article by appropriate legislation."

When the members of your honorable bodies were elected to their offices, the important principles contained in the proposed amendment were not only not in issue, but were denied by a large number of our best citizens, as being involved in the canvass. So far as any expression has been had from our people, it is entirely unfavorable, inferentially, to the ratification of the amendment proposed.

The ratification of it by the proper number of States will practically change our State Constitution, as it declares suffrage to whites alone. Our State Constitution expressly provides that no changes can be made in it except such as have been agreed to by the Senate and General Assembly, transmitted to and endorsed by a direct vote of the people; such vote not being held sooner than four months after the

adjournment of the Legislature last acting on the proposed amendment. A period of not less than one and a half years is thus established as the briefest time in which any change can be made in the organic law of the State.

The wisdom and propriety of these provisions have never been questioned, I believe. Now the effect of the passage of the proposed amendment by the necessary number of the State Legislatures, being to change or nullify an important provision of our State Constitution, namely, that which restricts the privilege of suffrage in New Jersey to white male citizens of the United States, can the present Legislature, with any degree of propriety, attempt to do, by indirection, that which our State Constitution expressly forbids them from doing directly, especially in view of the fact that the most complete expression of the State upon the amendment submitted by Congress can be had in a more explicit and reliable form. Can there be any fair justification for your definite action now?

Would not action of an ultimate character upon the subject be in violation of the spirit of our whole system of government as relates to the amending power? And is it not the right of the people of this State, as that of the people of all the States, having similar provisions in their State Constitutions, as to white suffrage, to give their opinion upon so important a change by a direct vote and in an explicit manner, where the whole subject to be decided shall be acted upon after calm reflection and due consideration?

For the reasons assigned, and for many and important reasons which your intelligence will promptly appreciate, some of them touching the delicate and vital relations always and necessarily existing between the Federal and State Governments, involving their purposes and powers; the most deliberate and mature deliberation of all such questions is demanded, so that the fullest power and authority may be yielded to the General Government, which its efficiency, perpetuity and dignity require, without trenching upon the inherent and reserved rights of the States, or derogating from their separate and independent existence. I therefore

respectfully recommend the reference of the whole subject to the people of the State at large, in such manner as will best obtain their enlightened conviction.

The record of New Jersey toward the colored race is too well known to need defence at my hands. Long years ago, by the voluntary act of our people, they were made forever free within our borders. They have had every right of person and property respected in our courts. As a portion of society, they have been upheld and esteemed in full proportion to every element of virtue and intelligence shown by them; as recipients of the bounty and benevolence of the State, they have, in peace and war, fared equally with all other classes, and have ever found in New Jersey respected rights and protected homes.

No act of ours, as a State, should perpetuate the memory of wrongs inflicted upon a race, but no false sentiment should influence us to vitiate and debase the vital power upon which our whole system of government rests.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Message sustained.

VETO MESSAGE

AS TO

Base Ball Clubs and Minor Corporations.

VETO MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, March 3, 1869.

To the Senate and General Assembly:

I feel constrained to return to the House of General Assembly Assembly Bill No. 106, entitled "An Act to incorporate the Champion Base Ball Club of Jersey City, Hudson County," without my approval.

The fourth section of the bill authorizes the Club to give "exhibitions of feats of strength, and all games requiring skill and science."

I respectfully submit that with the existing diversity of opinion as to what constitutes "skillful and scientific" games, the section of the bill may indirectly sanction and legalize that which the long established laws of the State have made illegal.

The ninth section of the bill gives authority to the "Club to appoint from time to time one or more fit persons," who upon certain prescribed and easily conformed conditions are invested with constabulary powers which may be exercised upon the grounds of the Club and in the immediate vicinity thereof.

I cannot sanction by any act of mine the delegation of so important a power as that of the arrest of citizens, to persons who may be appointed without sufficient care or at the caprices of a private corporation of the State. The evils growing out of the unduly-guarded exercise of such a power —always to be most carefully defined—are too manifest to need further reference at my hands.

Were it proper to confer upon a corporation of the State such discretionary power, it will hardly be urged that the minor corporations should be given that which the greater could scarcely obtain—or if obtained, then guarded as to number of appointees, their fitness for the service required, and their more direct responsibility to the municipal or other authority for acts performed.

If your honorable bodies, upon reflection, deem the incorporation of Base Ball Clubs and similar societies (beneficial no doubt when properly conducted) of sufficient importance to engage your deliberation and thought, I hope you may concur with me in the propriety of confining such organizations to the exercises of the simplest powers consistent with corporate existence.

Respectfully submitted,

THEODORE F. RANDOLPH,
Governor.

Veto sustained.

MESSAGE

RELATIVE TO ASSEMBLY BILL, No. 120,

AND TO

TAXATION ON PRIVATE CORPORATIONS.

MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, March 3, 1869.

To the Senate and General Assemlby:

I have delivered to the Secretary of State, with my signature of approval, Assembly Bill No. 120, entitled: "An act to incorporate the American Eagle Steam Gange Company."

The eighth section of the bill provides: "That the real and personal property of the said corporation shall be snbject to taxation in like manner as the property of individuals, and that the said corporation shall not be subject to any tax on any stock of said corporation held or owned by them or any of them."

This provision withdraws this company from the operation of the general tax law of this State relative to corporations. In the fifteenth section of the general tax law, approved April 11, 1866, (laws of 1866, page 1084,) it is provided: "That all private corporations of this State, except banking institutions, and except those which, by virtue of any contract in their charters or other contracts with this State, are expressly exempted from taxation; and except Mutual Life Insurance Companies specially taxed, shall be, and hereby are required to be respectively assessed and taxed *at the full amount of their capital stock paid in, and accumulated surplus;* but any real estate which such corporations lawfully own in any other State than this State shall not be liable to be estimated in such accumulated surplus, and the persons holding the capital stock of such corporations shall not be assessed therefor; and such corporations as have no capital

stock other than those above excepted shall be assessed for the full amount of their property and valuable assets without any deduction for debts and liabilities."

I have been unable to discover any sufficient reason for exempting the corporation created by the bill under notice from the general rule of taxation applicable to private corporations. But, inasmuch as sufficient reasons for making that exception may have been known to the Legislature, and, as a similar exception may have been inserted in other charters of private corporations, granted since the enactment of the general law above referred to, and passed unchallenged, and as it is open to amendment or repeal, I have concluded that, without a veto of this bill, my duty will be discharged by inviting your attention to, and consideration of, the principle of taxation which should be applied to all similar private corporations chartered and to be chartered.

At all times, as a general rule, justice and sound policy require that the property of private corporations, as to taxation, should be no more favored or relieved than the property of *animated* persons, and that the rule of taxation should be uniform and general. Now, when taxes are numerous and burdensome, it would seem wise and just for the Legislature to give the most deliberate attention to the application and enforcement of these principles.

The Steam Gauge Company now incorporated may expand its capital to one million dollars. When this is done the only tax it will be liable to under its charter will be: "That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals."

The real and personal property of the corporation which can be reached by an assessor may, even when the capital is large, be small and comparatively insignificant. In all such cases the corporations exempted from the general law, as this is, will pay an inconsiderable amount of tax, while those subject to the general law will pay tax on "the full amount of their capital stock paid in and accumulated surplus." Are not such discriminations invidious and unjust? Is it

not detrimental to the public revenues, and unequal in operation toward those who are taxed according to the general tax law?

Where the public burdens are great, nothing is more likely to engender and promote popular discontent than discrimination in the imposition of taxes.

The rule taxing private corporations "at the full amount of their capital stock paid in, and accumulated surplus," was adopted in 1862, and has been maintained as a general law ever since. The rule seems to me to be convenient, just and salutary. Every private corporation should have, and may be well assumed to have, property to the full amount of its capital stock paid in, and its accumulated surplus. Besides that, this rule of taxation has a most salutary influence in restraining private corporations from issuing stock founded upon fictitious or inflated values.

I therefore respectfully invite you to consider whether the private corporations of this State should not be assessed and taxed at the full amount of their capital stock paid in and accumulated surplus, and whether, when the property of the corporation has been acquired by the issue of bonds, the amount of the funded debt should not be added to the capital stock paid in? With rare exceptions the application of such a principle would operate justly and beneficially. Should this principle be adopted, provision would need to be made to properly distribute the tax thus raised between the State, counties and smaller municipalities.

Much of the confusion and inequality as to taxes upon property of private corporations would be avoided, if the Legislature should see fit to create a private corporation by special charter in every case where the legitimate purposes of the proposed corporation can be attained by organizing the corporation under the general law "to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes." That law, by a supplement thereto, approved April 6, 1865, is "extented so as to embrace within it all persons exceeding four who shall associate themselves together for the purpose of carrying on any

lawful business whatever." Were this course adopted, there is reason to believe that, with very few exceptions, every legitimate object of the corporation could be attained, and the rights of the public be better protected and promoted than by special charters.

The length of the sessions and the labors of the Legislature would be greatly reduced should such action be concluded upon as to future applications. To this important subject I also invite your prompt and careful consideration.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

MESSAGE

RELATIVE TO THE

"STEVENS BATTERY."

MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, March 22, 1869.

To the Senate and General Assembly:

I beg leave to remit herewith a communication from the executors of the will of the late Edwin A. Stevens, of Hoboken.

By the terms of the will, as will be seen, to the State of New Jersey is bequeathed the vessel known as the "Stevens Battery," provision being made for its completion in the most liberal manner, under the direction of the highest intelligence and skill. The executors having secured the services of General George B. M'Clellan, who will be aided by Captain Newton, of New York, the amplest security is had that neither intelligence nor skill will be wanting in the completion of the Battery.

A donation of such a munificent character from a private citizen whose name and reputation have been connected with almost every important enterprise in the State, and whose skill, industry and ingenuity have given an especial usefulness to unusual wealth, should receive from the Legislature a recognition fitted to the reputation of the donor and the munificence of the gift.

Agreeing with the executors as to the propriety of naming some persons who shall be authorized to confer "as to the probable disposition of the ship, and as to the details of her completion," I will be glad to put myself in communication with the executors as to the persons most acceptable to them

and beneficial to the State, not exceeding three in number, as I would recommend.

I would suggest that the persons thus appointed by the State be authorized to fully confer and advise with the executors as to the mode of completing the Battery, and with the concurrence of this Department enter upon such negotiations as to its ultimate disposition as they may deem proper and the Legislature hereafter sanction.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Recommendation sustained.

COMMUNICATION FROM THE EXECUTORS.

HOBOKEN, March 15th, 1869.

His Excellency, Theo. F. Randolph, Governor of New Jersey:

We ask your attention to the following extract from the will of the late E. A. Stevens:

"Out of the residue of my estate (excluding Castle Point and the Homestead lot and the house thereon) remaining after the payment of my debts, the said eight hundred thousand dollars in legacies, and the appropriation of so much thereof as is necessary to answer the foregoing charitable bequests and devises, I empower my executors to apply, not exceeding the sum of one million dollars, to finishing on my general plans as near as may be in the discretion of my said executors, the battery known as the Stevens Battery, and for the accomplishment of the said object I give to them the use of the dock and yards and basin heretofore appropriated to the said battery, and all the material provided for said battery. When said battery shall be finished I direct my executors to offer the same to the State of New Jersey as a present, to be disposed of as the said State shall deem proper; and if not accepted by the said State, I direct my executors to sell the same, and the proceeds thereof shall fall into the residue of my estate."

In accordance with these directions, we are going on to complete the "Stevens Battery," and shall "offer the same to the State of New Jersey" so soon as it is finished.

But inasmuch as the details of completion should be to

some extent varied, more perfectly to meet the requirements of such disposition of it "as the State may deem proper," we would respectively suggest the appointment by the State of some person or persons to advise us as to the probable disposition of the ship so soon as that can be ascertained, and as to the details of her completion.

We have ascertained that it will take about eighteen months to two years to finish the ship, and that, although about nine hundred thousand dollars has already been expended upon her, it will require the whole of the additional million to complete her.

Very Respectfully,

W. W. SHIPPEN,
S. B. DOD,
M. B. STEVENS.

MESSAGE

ON

ENLARGEMENT OF THE STATE PRISON,

AND

Establishment of a House of Correction.

MESSAGE.

EXECUTIVE DEPARTMENT,
TRENTON, March 23d, 1869.

To the Senate and General Assembly:

In the report submitted some weeks since to the Legislature, the commissioners to investigate State Prison affairs expressed their strong conviction of the necessity of further provisions for the proper treatment of those criminals who, through the operation of our laws, are under the care of the State. The able report of the Joint Committee of last session, appointed to inquire into the management of the State Prison, entirely harmonizes with the conclusions at which the commissioners arrived, as to the evils arising from short official terms and of partisan appointments in the Prison. Its forcible statement of them renders needless any further observation. The wisdom of the Legislature will doubtless find an appropriate mode of relief.

The crowded condition of the Prison also demands immediate attention. It has rendered the liberation of prisoners before the completion of their terms of sentence in many cases necessary and inevitable. They are *not only crowded*, but herded together in an enforced idleness, there not being shop room enough for more than about three hundred and fifty men. The State, therefore, loses the benefit of the productive industry of more than two hundred prisoners—a condition injurious alike to the convict and to the State. Honest labor should not be taxed to support idle convicts.

As the Prison yard is too small for a proper extension of

the buildings, it is recommended that the plot of ground three hundred and ten feet by two hundred and sixty-three feet in extent, lying between the south wall of the Prison and the north wall of the State Arsenal, be inclosed by walls similar to those now standing, as early as practicable, and that any needless portion of the south wall of the present yard be removed, except the portion inclosing the female department. New work shops might then be erected, either for carrying on again some branch of blacksmithing, an extension of shoemaking, or such other labor as the officers may deem best suited to the institution. Another block of cells could be erected similar to that now called "the new wing," with the exception that the cells should be of larger size. In this work the prisoners now idle could be profitably employed.

I also recommend to the Legislature the erection of a chapel, either in connection with a mess-room or in an added story over the proposed work shops. I have no doubt that it will prove of great value, not only as a much needed place of social worship, but also for the improvement of the prisoners by instructive lectures. With active minds, cut off from the ordinary interests of life, many of the convicts accept with gratitude and profit by opportunities for mental improvement. If the instruction has to be separately communicated to each prisoner in his cell it will be seen how tedious must be the labor. Deprivation of the privileges of the chapel and the lecture room, to those guilty of any violation of the rules in them, would no doubt secure more correct deportment.

The attention of the Legislature is also called to the necessity of more care in the proper treatment of habitual vagrants and drunkards, and persons who are but commencing a career of crime.

The indiscriminate mingling of the prisoners in our county jails without employment, is felt by the community to be so demoralizing that many offenses which ought to be noticed go unpunished. At the same time many persons are sent to the State Prison who do not deserve such a pen-

alty. The courts are often in a dilemma, hesitating to sentence persons to the State Prison for a comparatively venal offense, but in the absence of other provision they must pursue this course or suffer the offender to escape imprisonment. The State Prison is, therefore, crowded, though Grand Juries often refuse to indict because there is no proper place of confinement. It is in view of these facts that I suggest the establishment of a House of Correction in the eastern part of the State. I do not know on what terms Hudson county would convey her prison and part of the grounds at Snake Hill to the State, but I presume that for the purposes stated the freeholders would make the sale on reasonable terms. A commission to ascertain on what terms a suitable site can be obtained and to digest a proper plan for its establishment and government, would probably be the best immediate disposition of the subject.

I therefore request of the Legislature the appointment of a suitable commission to carry out the view expressed herein as to the House of Correction, or so much as they may concur in—such commission reporting their recommendations to the next Legislature; or, if prompt action is deemed expedient, to recommend a plan, and expenditure limited in amount, which shall be considered as authorized by the State whenever the Chancellor, Chief Justice, Treasurer and Comptroller, or a majority of them, shall agree thereto.

Immediate action is necessary as to one or the other of the plans I have suggested, to enable the State to properly confine the large and rapidly increasing number of prisoners sentenced by the courts, and ultimately at least both plans must be adopted, or others of like character.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Recommendation sustained.

VETO MESSAGE,

Returning with Objections the Supplement to

The Montclair Railway Bill.

VETO MESSAGE.

EXECUTIVE DEPARTMENT,
March 31, 1869.

To the Senate and General Assembly:

I herewith return without my approval Senate Bill No. 262, entitled "A supplement to an Act entitled 'An act to authorize certain townships, towns and cities to issue bonds, and to take the bonds of the Montclair Railway Company, approved April ninth, Anno Domini eighteen hundred and sixty-eight."

All of my objections to the general provisions of the bill entitled "An act to authorize certain townships and cities, in the county of Cumberland, &c., to issue bonds, and take stock in the Vineland Railway Company," expressed in my veto message of that bill, dated February 24th, 1869, without repeating them here, I desire to and do assign against the bill now under consideration.

The original act, approved April 9th, 1868, is, in my judgment, a signal example of partial, unjust and pernicious legislation. Its object is to impose on certain municipalities an interest-bearing debt, "not exceeding twenty per centum of the valuation of the real estate and landed property of such township, town or city." That debt is to be discharged in twenty-five years after contraction. It is to bear interest at seven per centum per annum, payable half-yearly.

This is practically a legislative transfer to the Montclair Railway Company, in the name and under the guise of the taxing power, of one-fifth in value of all the real estate in any township, town or city through which the railway of that company may pass.

When we take into consideration the present amounts of city, town, township, county, state and United States taxes, direct and indirect, it seems to me that we cannot fail to be alarmed at the idea of burdening any of our people by involuntary taxation amounting to the confiscation, perhaps, of one-fifth in value of each person's real estate for the benefit of, and, practically, as circumstances may render it, a donation to a private railway corporation. If, as is said, the real estate of Passaic county, under the present bill and the original act, may be burdened with an interest-bearing debt of seven hundred and fifty thousand dollars, for the use of "The Montclair Railway Company," we see that it may, and most likely will, in twenty-five years, cost the real estate owners of that county, to discharge that debt and the interest thereon, not less than *two millions six hundred and twenty-five thousand dollars.* What is this but an imposition on private individuals, for the benefit of other private interests! What right has the Legislature of New Jersey, under the constitution of New Jersey, or upon any principle of natural justice, to transfer the private property of any person, without his consent, to the private use of any other individual or corporation? If any point or principle is well settled in New Jersey, it is that the private property of one person, without his consent, even with compensation, cannot be transferred to the ownership or use of any other person or private corporation.

The original, and this act, authorize the commissioners of the several towns, cities and townships to exchange their bonds for bonds of the Montclair Railway Company. The proposition to make such an exchange implies and admits that the bonds of the railway company can in no other way be negotiated. We all know that such city, town and township bonds do and must command a low price in the money market. When we find the Montclair Railway Company proposing to exchange the bonds on equal terms for such municipal bonds, we are forced to the conclusion that the bonds of that company are considered unmarketable. This must be so, because no part of the railway of that company

is yet constructed, and no definite amount of paid in capital is yet assured.

What security, if any, the municipalities will obtain from the railway company is uncertain. Whatever they may obtain is to be discretionary with the commissioners, in the nomination of whom the great body of the tax payers will have no voice. In the original act, or in this supplement, there is nothing to prevent that railway company from mortgaging its road and all its property to other creditors, to the practical exclusion of the municipalities which issue bonds to aid it.

For the bonds to be issued by the county of Passaic no security is required except the guarantee of the "New York and Oswego Midland Railway Company." I am not informed that the Legislature of New York has ever authorized or empowered that corporation to make any such guarantee. If it has not, its guarantee will be null and void. If it has, its guarantee as to value depends upon conditions yet unknown.

The original act provides that no city, town or township bonds shall be issued to aid the Montclair Railroad Company "until the written consent of persons owning or representing as agent or president at least *two-thirds* of the real estate and landed property of such township, town or city," shall be obtained.

But if the bonds are to be issued, and the principal and interest thereof paid by the cities, towns and townships issuing the same, by taxation upon all real estate within the bonded municipality, and that for the benefit of the Montclair Railway Company, as is manifestly the case; is it not a palpable and unjust violation of the rights of those real estate owners who do not give such consent? Is it not taking their private property without their consent, by means of the sovereign power of taxation, for the benefit of a railway company? Is it not an abuse of the taxing power? Whether it will be constitutional to impose such a tax is a judicial question. That it is repugnant to the fundamental principles of justice, is too obvious to need elaboration.

In my judgment the original act, for the reasons here stated, and for many other reasons which appear upon the reading of it, is not proper to be extended or enlarged.

The original act does not permit any municipality to be involved in debt or taxed "until the written consent of persons owning or representing as agent or president at least *two-thirds* of the real estate and landed property in such township, town or city."

The presumption is that such consent could not be procured, and, therefore, the supplement before me provides: "That whenever the written consent of persons owning or representing as agent, president, or otherwise, *a majority* of the real estate and landed property in any township, town or city through or in which said railway, or its branches, shall pass or terminate, to the borrowing of money, as in said act is authorized, has been obtained, if such consent and affidavit thereto have been filed, pursuant to said act, or shall hereafter be filed, a certified copy of such consent and affidavit, under the seal of the clerk of the county in whose office the same shall have been or shall be filed, shall be *conclusive evidence* of all the facts in said consent and affidavit stated, *without producing the originals, and shall not be invalidated or avoided by an irregularity, omission, or defect therein, or in any of them.*"

Now, as to these provisions of the first section of the supplement, I beg to have the Legislature consider two points:

1st. Before issuing bonds and imposing taxes to pay them, what consent of the tax-payers is necessary?

2d. What is to be the evidence of the fact that the requisite precedent consent of the tax-payers has been given?

As to the first question, this supplement makes sufficient "the written consent of persons owning or representing as agent, president or otherwise, a majority of the real estate and landed property in any township, town or city." Who can tell the meaning of the words, "or representing as agent, president, or otherwise?" What powers and duties must an agent have over his principal's real estate to authorize him to give such consent?

May the president of any private corporation, without the consent and authority of the corporation which he represents, be authorized to consent to such burdens? Why open such a door to fraud and impositions upon other corporations? What is meant by the words "or otherwise?" Properly, those words should include nothing. Practically, those in favor of involving cities, towns and townships in debt may make them include any and everything they may desire and need. This seems to be the purpose of this supplement, because:

As to the evidence of the consent of the tax-payers, it provides that "if such consent and affidavit thereto have been filed pursuant to said act or hereafter shall be filed, a certified copy of such consent and affidavit, under the seal of the clerk of the county in whose office the same shall have been filed, shall be conclusive evidence of all the facts in said consent and affidavit stated without producing the originals, and shall not be invalidated or avoided by any irregularity, omission or defect therein, or in any of them."

According to this provision the liability of any municipality to this onerous burden of debt and taxation will not depend upon the fact that a majority in value of the real estate owners have knowingly, deliberately and without being influenced by falsehood or fraud, voluntarily consented thereto in writing; but upon the fact that one person has, or two persons have, whether ignorantly, corruptly or otherwise, made an *ex parte* affidavit. If an affidavit is made the debt is to be contracted and the taxes imposed, no matter what the irregularity, omission or defect of the affidavit may be.

More dangerous legislation has never fallen under my observation. It not only invites perjury, but it makes it conclusive. No matter how mischieviously or wickedly false the affidavit may be, this act makes it "conclusive evidence."

I feel bound to assume that this extraordinary provision was inserted by inadvertence. If so, I feel certain that you will be glad of an opportunity to correct the mistake. If

the promoters of the bill have inserted such a provision by design, then I cannot doubt but that you will rejoice at an opportunity to expunge and rebuke the imposition.

If the affidavit be ever so false it cannot be disputed or disproved, and it will be as effectual as if full and true in every respect. The whole supplement indicates a determination to impose large, heavy and long continuing taxes on the real estate within certain municipalities for the benefit of a private corporation, regardless, in a measure, of the consent of the tax-payers, and in violation of their earnest and most strongly urged protests, copies of which I remit herewith.

If the Montclair Railway Company should be aided by taxes imposed upon the property of other persons and corporations in the vicinity of their railway, why should not all other private corporations have similar aid? Why not the great and creditable locomotive works of Paterson—the cotton and silk and other manufactories? Their usefulness to the community is fixed and most valuable. Shall their necessities, if any, be overlooked? And if all corporations have such aid, how are the people to bear the burdens of taxation consequent thereon? Will it not be impracticable and ruinous?

Objections are suggested by almost every section of this supplement; but without alluding to them further in detail, I respectfully invite you to carefully reconsider it, and to arrive at such conclusion thereon as constitutional rights, natural justice, and wise, impartial public policy require.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Veto sustained.

ANNUAL MESSAGE

To the Legislature, Session of 1870.

ANNUAL MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, January 11th, 1870.

To the Senate and General Assembly of the State of New Jersey:

In the discharge of one of the obligations imposed upon the Executive of the State, I have the honor to submit herewith my annual message.

The trusts confided to me by the partiality of my fellow citizens have received such attention at my hands as their importance demanded, or I had ability to give. I am largely indebted, however, for the comparative ease with which my duties have been performed to the integrity, intelligence and hearty co-operation of the officers in every department of the government in all that related to my own labor or my official sanction of theirs.

The rigid execution of the laws by our judiciary has given that branch of the service great honor, and the State stands, as it ever has, pre-eminent for its administration of justice. Whatever changes time may indicate as desirable in the organic law—and none seem important now to be made—I trust the present method of appointing our highest judicial officers may never be departed from. What is now our glory would, under the elective system, become our shame, in all probability.

It is a source of personal satisfaction to me, as you may readily understand, that the legislative department of the government is in sympathy with my political belief. But

from which I gather, for your information, the following statement :

STATE FUND.

Income		$678,908 73
Disbursements	$582,877 54	
Refunded to War Fund	93,270 71	
Balance in Bank	2,760 48	
		$678,908 73

It will be observed in this exhibit that the receipts of the government during the fiscal year (irrespective of the payment made by the state fund to the war fund for a loan made prior to my administration, and amounting to ninety-three thousand two hundred and seventy dollars and seventy-one cents ($93,270.71) have been ninety-six thousand and thirty-one dollars and nineteen cents ($96,031.19) in excess of the expenditure. From this must be taken sixty thousand dollars ($60,000.00) temporarily borrowed from bank and included under receipts leaving the real excess of receipts over expenditures for the year, thirty-six thousand and thirty-one dollars and nineteen cents ($36,931.19).

The principal items comprising the income of the State are as follows :

From Tax on United Companies		$223,596 72
" State Tax of 1868		60,000 00
" Dividend on Stock of Joint Companies		28,870 00
" Rent from Morris Canal and Banking Company for Lands under Water		25,000 00
" Amount to enable United States Companies to improve Lands under Water		20,000 00
" Interest on Bonds of United Companies		20,140 00
" Other Sources		10,216 82
" Central Railroad of New Jersey		40,803 21
" Morris and Essex Railroad		39,827 98
" New Jersey Railroad and Transportation Company		31,250 00
" Paterson and Hudson River Railroad from January 1, 1863 to January 1, 1869		18,900 00
" Warren Railroad		10,295 25
" Other Railroads		3,632 79

Final Payment on abolition of Transit Duties	62,971 76
From Secretary of State for dues	23,404 20
Special Loans from Banks	60,000 00
	$678,908 73

The payments, irrespective of the amount refunded to the war fund, have been for the purposes enumerated below:

DISBURSEMENTS.

For Printing		$69,057 24
" State Prison		66,234 00
" Public Schools		65,000 00
" Salaries of State Prison		40,790 43
" Salaries of Judiciary		38,491 04
" Legislature		34,505 67
" State Militia		29,763 03
" Salaries and Fees		26,388 16
" State Reform School		25,000 00
" Transportation and Cost		24,759 46
" Lunatic Asylum		23,509 76
" State Prison Improvement		20,372 49
" State Prison Repair		13,009 58
" Support of Blind		12,217 58
" State House Expenses		11,551 22
" Support of Deaf and Dumb		10,812 21
" Geological Survey		10,325 33
" Normal School		10,000 00
" Appropriations and other items of expenditure, as per Treasurer's report		51,200 34
		$582,877 54
Add amount refunded to War Fund	$93,370 71	
" balance in Bank	2,760 48	
		96,031 19
		$678,908 73

In reviewing the items from which the State derives its principal revenue, it will be observed that by far the larger proportion of the whole amount is derived from taxation in some form upon comparatively few corporations, whilst a large number of others equally or better able to contribute towards its revenues are non-paying.

I recommended to your predecessors the abolition of all transit duties as paid by corporations of the State, upon which recommendation prompt and favorable action was taken. In addition to the expression of my belief that the then mode of obtaining revenues by the imposition of transit duties was inconsistent with the spirit of our people, and with enlightened experience, I suggested that a system of taxation upon corporations more universal and equitable could be readily obtained. A review of our sources of income will, I apprehend, bring your honorable bodies to this conclusion also.

To maintain the various benificent and other institutions of the State, provide for their increase of capacity and expenditure, as our rapidly growing population and wants demand, will require each year a considerable addition to the revenue of the State. It is not proposed to diminish the receipts from existing sources of income, but they can scarcely be largely increased under existing laws, and ought not to be at all whilst equally favored corporations seek immunity from taxation under laws that are amendable.

I beg your early and serious attention to this subject, as under the exhibit of the war fund I shall refer to, it will be seen that the expenditures amounting to nearly one hundred thousand dollars ($100,000) per year, heretofore met by that fund, will hereafter be mainly chargeable to the State fund, inasmuch as the payments of the General Government are about closed.

The disbursements of the State under existing laws are necessarily large, and although the tax on property, or per capita, is smaller, perhaps, in New Jersey than any other State, yet our duty and policy call upon us to rigidly examine every item of expenditure.

The amount paid for the printing of the State is very large, and could be reduced materially by restricting the publication of the laws to papers of established circulation; by publishing local laws in neighborhood papers only, under the systematic direction of designated State officers; and by

omitting to print among legislative documents hundreds of pages of matter useless beyond the department files.

If portions of the moneys now almost wasted in the directions indicated should be applied by the Legislature to the employment of competent stenographers, who would give to the press full and accurate reports of the debates upon important questions, both the press and the public would be benefited, and a volume of debates each session might be made much more valuable than most of the matter now printed.

I shall refer elsewhere to the expenditures made during the year for the State Prison department, the militia, and the institutions for the care of disabled soldiers. It is sufficient to say these expenses of the State have been or are being reduced

The disbursements made for other purposes are such as have been customary for years, and will not be materially changed in amount the present year.

WAR FUND.

The receipts of the war fund have been:

From State Tax	$290,000 00
From United States	27,549 45
Refunded from State Fund	93,270 71
Balance received 1869	5,012 97
	$415,833 13

The disbursements have been:

To Soldiers' Children's Home	$46,977 00
To State Military	24,312 04
To Home for Disabled Soldiers	17,886 36
To other objects	2,230 92
To balance State Tax, Tax 1868	33,000 00
To Commissioners Sinking Fund	290,000 00
To balance November 30, 1869	1,426 81
	$415,833 13

The war debt has been decreased ninety-nine thousand nine hundred dollars ($99,900) within a year, by bonds

taken up by the Commissioners, leaving the balance of war bonds outstanding November 30, 1869, three million ninety-six thousand two hundred dollars ($3,096,200), and at this date, one hundred thousand dollars ($100,000) less, being amount due and paid January 1, 1870.

It will be observed that the State has been able to obtain from the General Government the sum of twenty-seven thousand five hundred and forty-nine dollars and forty-five cents ($27,549,45.) Other claims to a small amount remain unpaid and will be pressed to settlement.

Under any circumstances the receipts of the State from the General Government will be both small and uncertain, and not at all to be relied upon to meet the certain expenditures they have heretofore helped to meet.

As has been shown, the cost of maintaining the State militia and the homes for soldiers' children and disabled soldiers was ninety-one thousand four hundred and six dollars and thirty-two cents ($91,406,32), in 1869, and this entire amount was taken from the "war fund," and consequently not directly felt by the tax-payers of the State.

The present expense of maintaining the militia will not be reduced, but that of the home for disabled soldiers may be gradually lessened, while the cost of maintaining the home for soldiers' children can only be kept where it is, or lessened by a revision of the existing law.

GENERAL FUNDS.

I transmit the annual report of the Commissioners of the Sinking Fund, to which attention is invited.

After paying principal and interest of bonds due in 1869, they held assets amounting to $1,044,929 92, being in excess of 1868, $68,527 22.

I consider it fortunate that this branch of the public service should have been committed to the care of the gentlemen who control it. Their long and faithful public services in other departments of the government was a guarantee to the trust reposed in them, and the fidelity and zeal with

which they have managed the funds entrusted to their care as a provision for the liquidation of the debt of the State, are worthy of all commendation and deserves much greater acknowledgment and compensation than they receive.

At first their duties were limited merely to the semi-annual payment of interest on the state debt, and the portion of the principal to be paid annually; but they were subsequently charged with the care of upwards of five hundred thousand dollars ($500,000), received from the United States in part payment of sums advanced for it, which sum, with its accumulations, they have wisely deemed it proper to invest in loans to the people of the State secured by mortgages on real estate. This naturally occasions a great deal of care and labor for which the present compensation of the office is by no means adequate. I feel it to be my duty, therefore, to recommend that additional compensation be provided for the services of the commissioners, with suitable provisions for such clerical aid as they may require.

The commissioners are desirous that a committee of the legislature be appointed to examine the accounts, vouchers and securities in their charge.

The outstanding indebtedness of the State (war fund) on the 30th of November 1868, was	$3,096,200 00
From which deduct assets in hands of Commissioners	1,044,929 92
Leaving an indebtedness beyond assets of the Sinking Fund of,	$2,051,270 08

The bonds of the State, though bearing a low interest, comparatively, sell at a considerable premium, and our financial condition may be deemed satisfactory.

SCHOOL FUND.

The receipts of the School Fund have been		$137,681 11
Distributed to public schools	$100,000 00	
Invested for the fund	28,393 44	
Balance in bank	,9,287 67	
		$137,681 11

The aggregate of the school fund is now five hundred and seventy thousand three hundred and twenty-one dollars and seventeen cents ($560,321.17) against five hundred and sixty thousand seven hundred and sixty dollars and one cent ($560,760.01) at the same time in 1868.

The agricultural college fund now amounts to one hundred and sixteen thousand dollars ($116,000.) The proceeds of interest are placed in the hands of the trustees of the college.

The library fund is a very meagre one, and I recommend some small additional expenditure in this department, and the necessary authority also to dispose of such books as may not be needed, or are undesirable.

The "State Fund" is made of securities had and owned by the State, and from which in part it derives its annual revenue. The total amount of it is one million six hundred and seven thousand three hundred and seventy dollars and forty-four cents ($1,607,370.44,) of which seven hundred and sixty-four thousand six hundred and seventy dollars and forty-four cents ($764,670.44) is in the bonds of the counties for moneys loaned them by the State from the surplus revenue fund of the United States in its hands.

Assuming the county bonds to be collectable, and therefore available assets, the securities of the State in the Sinking fund and State fund together amount to enough to pay the entire State debt of every description.

RIPARIAN COMMISSION.

I was authorized by a law passed at the last session relative to the right of the State to lands under water to appoint commissioners to execute its provisions. Mr. Francis Lathrop, Governor Olden, and Judges Vredenburgh and Randolph were appointed. It is needless to say that they have devoted themselves most faithfully to the performance of their duties, as their very valuable and interesting report will evince.

The great benefit the State will derive from the action of

the commissioners may be approximately estimated when its labors up to this time—notwithstanding its real action has been retarded by various causes until within three months past—show an amount capitalized for the benefit of the State, for the sale or lease of lands under water, equal to, say, five hundred thousand dollars ($500,000)—of this, fifty-one thousand five hundred dollars ($51,500) have been paid into the treasury since November 13th, 1869, for fees of land granted.

The remainder of the four hundred and fifty-thousand dollars ($450,000,) will, under the law, yield the State an interest equal to six per cent. per annum, until such time as the lessees desire to obtain the fee, when the principal must be paid.

Negotiations are in progress for the sale or lease of large additional property, and I hope at your next session to make a most favorable report of the advantages of the law to the State. To those owning shore front the law will ultimately —I am persuaded—prove a benefit, as it has already done in some instances—enabling property to be sold at largely increased prices, because a way had been provided for giving a clear and absolute title, free from the dispute and doubt which has heretofore attached itself to shore property in valuable localities.

It will not escape your attention that suit has been instituted by the Attorney-General of the State of New York against a corporation of this State, in which the superintending jurisdiction of New York is asserted up to low-water mark on our shores, and any erection beyond this line not authorized by the State, it is asserted, may be declared a nuisance by the Courts of New York, and be within their power to abate.

It is not believed that this assumption of jurisdiction is countenanced by the more sensible and learned authorities of our sister State, but has been instigated and carried on by the restless intermeddling of a few persons to whom notoriety of some sort is essential.

Nevertheless, the mere statement of such a claim under

official sanction, no matter how produced, indicates its possible importance and should be promptly met by New Jersey, whenever, if ever, the assumption is sought to be enforced by the decree of Federal Courts.

REVENUE LAW.

Under an act of the Legislature "to increase the revenue of the State," I was empowered to appoint agents to carry out the provisions of the act. I appointed Mr. John Hood, of Camden, who has alone fulfilled all the duties.

His published report will be found valuable, statistically considered, and has been compiled intelligently.

Its value to the State officers, in giving in concise form a needed index of our corporations, will be very great, and to your bodies, the courts, corporations, and people of the State, it will be worth largely beyond its cost.

The number of corporations created by the State since the formation of the government will surprise most of our people, and the subjects embraced as worthy of incorporation give instructive food for reflection.

By far the larger number of acts of incorporation have occurred within a few years past, and a most suggestive argument in favor of the general laws, recommended elsewhere in this message may be had by reference to the report of the Revenue Department.

I recommend the revision of the existing law, so that all institutions of religion and charity, banks of savings for the poor, and other corporations intended for simple beneficence, may be exempted from its provisions.

Some of our most enterprising and liberal citizens, engaged in corporate enterprises, deem the selection of corporations as objects of special taxation a hardship and injustice, and it is asked by them "why corporations should be taxed upon their net income, whilst individuals engaged in the same pursuits, perhaps, are exempted from special assessment."

It is answered that corporations have for their members

a privileged class of citizens, who, under sanction of general or special laws, are permitted to do those things which, as ordinary citizens, they could not do.

As bodies corporate they may, for their direct advantage, take and possess lands, not at the owners' valuation, but upon appraisement; they may occupy lines of travel and transportation, not only to their advantage, but to the detriment of existing ones; their capital, unlike that of the individual, has an almost double value, inasmuch as the stock issued to represent it is in itself the basis of loan for an amount nearly equal to its value. Under corporate protection, capital frequently obtains immunity from full taxation, because of provisions in charters liberally interpreted by the corporate officers, or by complacent assessors.

Lastly: the capital which individuals may propose to invest in a given business is not the full measure of personal responsibility, for failure or misfortune renders the individual liable for all debts and obligations which the business may have brought about, whilst in the case of invested values in corporations the liability is in nearly all cases limited to the amount actually invested. Thus the State grants, as only the State can grant, peculiar privileges and exemptions to a class of persons, or perhaps more properly stated, to capital, which it does not and should not extend to individual citizens.

I need scarcely add the notorious fact, that nearly the whole of the legislative time, with its heavy attendant cost to the people of the State, is taken up by the wants or demands of private corporations; and it is perfectly safe to say that one-half of the time of all the higher courts, with the costs incidental thereto, to say naught of the delay to individual litigation, is made up by contests between corporations, or where corporations are a party thereto; the results of which are rarely of importance, as touching the rights of the great body of the people.

That corporations are most useful, properly guarded in their powers, and that to the capital aggregated under their

special privileges, nowise else to be obtained, perhaps—the greatest advantage to the State and its people have been had, no sensible person will dispute.

It is claimed, however, that for the reasons assigned, and others equally obvious, under the pressing necessities of the State for larger revenues, these objects of its creation and continued fostering care should be required to pay of their ascertained profits a small per centage to the State.

Little hardship accrues, for if they make nothing they pay nothing; and in this respect, as in most others, the revenue law of New Jersey is in marked and favorable contrast with similar laws in other States. I question if any State places as light an imposition of taxes upon its general corporations as New Jersey.

It may be asserted that the tendency of the law will be to drive capital from this to other States. I assert, without fear of intelligent contradiction, that the States of New York and Pennsylvania, which, by proximity to the great centres of trade, are our chief competitors for capital seeking investment in the business done under the corporation effected, place a heavier impost on their corporations, by one process or another than New Jersey has ever done, or will ever desire to do.

We possess peculiar advantages in every respect for corporate enterprise, and it is the right, as it is the duty of the State, to avail itself reasonably of its advantages.

A large number of corporations, seeking to avail themselves of our liberal grant, or desiring the confessed protection of our courts, or purposing, perhaps, the evasion of imposts elsewhere, have their capital, labor and interest entirely beyond our limits. Surely they might justly be reminded of the power that created and protects them, without trespass upon their rights.

When the returns from the various corporations of the State are fully had, it is not improbable they will be found so large in the aggregate as to enable the Legislature to fix a rate of taxation that none can fairly complain of.

GENERAL LAWS.

I am especially desirous that a system of General Laws, under which almost every form of special legislation could be brought, should be adopted in this State, as it has been in practice in many other States. It is only necessary to glance at the volume of laws for 1869 to appreciate the existing evil. Over six hundred acts of the Legislature appear, making sixteen hundred pages of printed matter, published at an enormous cost, not only in book form, but in nearly every newspaper in the State.

The damage to business interests by reason of the uncertainty which pertains to the legislation of the State where acts are had at one session, and supplements are obtained thereafter, is considerable, hazarding capital, as it does, and rendering it timid of investment under variable legislation.

None of your members, experienced in legislation, but will agree with me, that most important action to the great body of the people is frequently sacrificed by the importunity and vigor with which private legislation is ever pressed. It is now a serious work to read the bills presented to your bodies. Is it a wonder that they occasionally fail to receive proper consideration at your hands? and if it be too serious a labor for each member to deliberate upon the separate bills passed upon, can it be expected that the Executive, pressed by other duties, and limited in time, by the constitution, for the consideration of legislative acts, should sometimes fail to detect the errors or wrongs, that have escaped the wisdom and examination of your members.

Nearly all manufacturing associations, benevolent and religious societies, social and literary clubs, land and building associations, turnpike companies, and other acts of incorporation could be grouped within the compass of a few general laws, and infinite cost, trouble and vexation saved to the legislature, courts, people and Executive.

If my suggestions meet your approval, it will be necessary, of course, to prepare and pass the general laws at an early period of the session.

STATE PRISON.

At the last session of the Legislature, attention was directed to the unsatisfactory condition of the management and affairs of the State Prison.

The members of both political parties united in an earnest effort to enact a law which would, to the greatest extent practicable under constitutional restrictions, remedy the palpable evils. It is extremely gratifying to be able to state that the law, as passed, has met with complete success, and the prison, both as to the management of convicts and financially considered, is in a most favorable condition.

Next to the power conferred by the law, this result is entirely due to the intelligent and faithful administration of the officers appointed. The Board of Supervisors have given their best efforts to success, and the principal Supervisor, Col. Murphy, has not only brought a peculiar fitness to bear in the discharge of the duties of his office, but has been met with cordial and sincere co-operation from the Keeper of the Prison. Both these officers deserve special credit for their disentanglement of the wretched condition of the department, as found by them.

The value of a capable administration of this department cannot be had by any statement the limit of this message will permit, and feeling that injustice may be done by a partial reference, that may prevent the full examination of the reports of the prison officers, I shall abstain from any extended allusions. I urge, however, your members and the people to carefully read the reports in detail.

It should be stated that the receipts from prison labor are much smaller than will be those for the same period hereafter, inasmuch as a much more favorable contract for the prison labor has been made. The new workshops are nearly ready for occupancy, and the convicts are in a better state of discipline.

The expenses, too, under present management, will be,

as they have been of late months, largely reduced, and it is anticipated that for the first time in many years, no appropriation for the care of convicts will be required from the State.

Under a provision of the law the Supervisors contracted for and have had built a large workshop, adjoining the prison. Its entire cost will be about forty thousand dollars ($40,000), and I believe the whole amount of cost will be returned to the State, within two years, by the increased product of convict labor. Upon the occupancy of this building the old ones will be taken away, and the work for the erection of the new wing of the prison begun as authorized by your predecessors.

Until this increased accomodation for prisoners be obtained, a large number of them must from time to time be discharged before the expiration of their time of service. The Court of Pardons has been compelled to release convicts, mainly those convicted of minor offences, because the prison would not contain all who were sent.

Our proximity to New York and Philadelphia, coupled with the fact that our courts firmly execute the laws, will always give our prisons an unusual number to care for.

The discipline of the prison is, of course, of the highest importance for the safe keeping of convicts, and the advantage from their labor. No cruel or unusual punishment is resorted to, but insubordination is firmly and promptly met and controlled, and it has come to be understood that whilst every effort that kindness will prompt toward reform is extended, the fact is not lost sight of that the law contemplates prison life as a punishment for infractions of its righteous provisions.

REFORM SCHOOL.

The managers of this institution, known as among our most intelligent and worthy citizens, have given an earnestness to their labor, that only disinterestedness and noble purpose could obtain. To the State a large advantage is

had in placing useful criminals by themselves, where systematic effort is made for their reform and education, and to the boys who are thus cared for and protected, the advantages can scarcely be measured.

In commending this growing institution to your consideration and support, I feel sure, judging from the results already had, the State will reap advantages, pecuniarily as well as morally, and that no expenditure heretofore made for this institution has in any degree been lost to the State.

A number of the inmates, after remaining a sufficient time to establish the fact of their reform, have been placed at occupations under indenture, that already give full promise of making them useful and intelligent citizens. I sincerely believe our State Prisons would not have half their present inmates had the system of Reform Schools in all the States been adopted years ago. You will find the managers' report interesting and instructive.

LUNATIC ASYLUM.

I beg to call especial attention to the report of the managers of the Asylum for the insane. As no class of unfortunate people commend themselves more tenderly to the protection of the State, so should our efforts for their care and comfort be measured.

That a policy must now be defined by the State, as to the number and class of insane persons it will extend its care toward, is obvious from an examination of the condition of the institution.

Should those who are deemed incurable be deprived of the advantages of the institution, then the accommodations are sufficiently large. The hardship that would ensue from such a decision is plainly set forth by the managers, and I agree with them that the State would evince in such action a retrogressive spirit, in strong and unfavorable contrast with its previous policy.

With a view to the most enlightened and humane action upon the part of the State toward its insane of all classes, I

recommend your bodies to instruct the joint committee usually appointed to investigate the affairs of the Asylum, to have an early and full conference with the managers and superintendent, to the end that the best information be had and the promptest action taken.

I will be glad to render such assistance in the matter as my investigations and thonght have suggested, believing that an acceptable solution of the difficulty is within the ability of the State.

The number of patients nnder treatment during the year was seven hundred and sixty-eight (768), of whom seventy-one (71) were discharged as recovered, fifty-eight (58) discharged as improved, and sixteen (16) discharged as unimproved.

The whole number of patients received from the opening, in 1845, to this time, has been thirty-four hundred and ninety-nine (3,499), and of these thirteen hundred and twenty-one (1,321) have been discharged as recovered. The total receipts for the year, as stated in detail in the report, have been one hundred and forty-seven thousand one hundred and fifty-nine dollars and forty-six cents ($147,159.46), and the expenditures, one hnndred and forty-four thousand nine hundred and eleven dollars and sixty-eight cents (144,911.68), leaving two thousand two hundred and forty-seven dollars and seventy-eight cents ($2,247.78) as the balance in hand.

Of the total receipts, twenty-two thonsand three hundred and twenty-two dollars and twenty-seven cents ($22,322.27) have been had from the treasury of the State, the residue from counties and pay patients.

GEOLOGICAL SURVEY.

I am convinced of the great importance of this work to the State, and if our people, especially in the agricultural and mining districts, will carefully read the report of the commissioners for the year past, they will be snrely repaid.

That portion of the report referring to the reclamation of the large body of land that should be drained by the upper Passaic river, I call your especial attention to. If an ex-

penditure of less than ten thousand dollars ($10,000) will render available for the best farming purposes seventy-five thousand acres of land, now almost useless, and at times unhealthy, and will also add in value a million of dollars to the taxable property of the State, our policy is clear.

Very interesting information is also given of the progress made in reclaiming the great salt marshes of the State, and of their productiveness when reclaimed.

The statistics given with reference to the fertilizing qualities of the New Jersey marls should be read by every farmer in the State.

AGRICULTURAL COLLEGE AND RUTGERS SCIENTIFIC SCHOOL.

A steady and permanent progress is had by these institutions, and their condition is reported as being well advanced beyond former years.

The graduates of the scientific school have found prompt employment upon the completion of their studies, and in nearly every instance have been retained within the State.

The faculty of the school is composed of gentlemen of culture and position, and there is little doubt but the institution will quickly rank the first in the country of its kind, as it certainly ranks among the first now.

The agricultural department of the college is appreciated to a considerable extent by those more directly interested in agricultural affairs, but all the advantage our people could derive from the knowledge and labor bestowed upon this department are not fully had, I fear. The lectures of Prof. Cook, delivered in the different counties of the State, should be more widely heard and read.

State pride and personal and pecuniary advantages are all involved in the prosperity of the agricultural college.

DEPARTMENT OF PUBLIC INSTRUCTION.

A minute statement of the affairs of this department will be furnished to you, and I shall omit any extended reference to them, as the report came into my hands at a late hour.

The total amount received from various sources for the support of public education during 1869, was one million five hundred and fifty-three thousand three hundred and thirty-five dollars and seventy-five cents ($1,553,335.75), of which the State furnished ninety-nine thousand eight hundred and fifteen dollars and thirty-five cents ($99,815.35):

From State	$99,815.35
Township School Tax	423,868.86
District School Tax	915,354.39
Surplus Revenue	27,539.46
Tuition Fees Collected	75,557.69
Appropriation Normal School	11.200.00
	$1,553,335.75

It will be seen that the amount of nine hundred and fifteen thousand three hundred and fifty-four dollars and thirty nine cents ($915,354.39) was voluntarily raised by district taxes, and devoted to the purpose of district schools and the building of school houses. The imposition of the district school tax is a new feature in our system, and although in operation but a short time already contributes more than double the amount the township tax yields.

The report shows that a very large proportion of the children of the State, of really proper age to send to school, are now in attendance, either upon public or private schools.

The cost of education under the present system seems to be very moderate, being only four dollars and thirty-one cents ($4.31) per year for each child in attendance. Of this amount only ten cents per pupil is chargeable to other expenses than teachers' salaries.

The sum of four hundred and eighty-six thousand eight hundred and ninety-six dollars and ninety cents ($486,896.90) voted during the year, for the purpose of building and repairing school houses, making for the year 1868 and 1869 the total sum of one million two hundred and ninety-three thousand four hundred and seventy-seven dollars and ninety-six cents ($1,293,477.96) voted for these objects. This is a large sum for our inhabitants to voluntarily impose upon

themselves, and is perhaps the best indication to be had of their earnest purpose to have New Jersey rank among the first of States in all that pertains to educational facilities.

NORMAL SCHOOL.

Aside from the usual interest manifested by our people in the welfare of the Normal School, the report of the trustees will be read with unusual interest this year, giving as it does, a brief summary of the meetings held, under the auspices of the Normal School authorities, by the various national bodies, who convene annually, to forward the cause of education.

It is said that no such gathering of eminent persons engaged in educational pursuits has ever taken place before in the United States, and the result of their conferences cannot fail of good.

If special training be necessary to qualify teachers, and it is now admitted that this is true, and that no aptitude will take the place of training, then the results of the Normal School labor equal those of any department of the State, cost considered.

STATE MILITIA.

The condition of the militia of the State, and of the arms, &c., will be gained from the full reports of the Adjutant General and the Quartermaster General, now transmitted.

Under the law passed at the last session of the legislature, the National Guard of the State was organized in April last, and the cost for the nine months has been eighteen thousand eight hundred and eighty-three dollars and ninety-one cents ($18,883.91). This amount is largely in reduction of the cost of the militia under the old law, and the troops it is conceded, are in a better state of discipline and proficiency than ever before. The parade of the First Brigade, at Newark, during the fall, attested this fact, and was most creditable in every respect. The

amount placed in the State Treasurer's report as the expense of maintaining the militia of 1869, will be found larger than the cost named above. Two reasons are to be assigned for the apparent discrepancy—the first being that the expense of the National Guard is for nine months only—and the second and most important reason arises from the payment during 1869 of a large indebtedness that properly belonged to 1868.

The quartermaster's report will show as usual, the number and condition of the arms and accoutrements belonging to the State.

SOLDIERS' CHILDREN'S HOME.

This institution has within its care one hundred and ninety-three (193) children of soldiers. Of these Mercer county sends thirty-five (35), Essex county twenty-nine (29), Warren county twenty-six (26), Burlington county fifteen (15), Hunterdon county fourteen (14) Monmouth county thirteen (13), and Middlesex and Gloucester counties each eleven (11) making in all one hundred and fifty-four (154) children sent from eight counties; the other thirty-nine (39) children come from the remaining thirteen counties.

Within the year twenty-one (21) children have been removed by their mothers; two (2) have died, and one (1) has left the institution, having reached the age prescribed by law.

The total cost of providing for the institution was thirty-one thousand five hundred and fifty-four dollars and forty-one cents ($31,554.41) for the year, or taking the average number of those provided for, equal to an annual cost of about one hundred and fifty dollars ($150) per inmate.

The institution, since its construction, has given shelter and support to a large number of children to whom the States owes an especial protection, and it has received the generous and constant aid of philanthropic men and women. It fails, perhaps, in training the children to employments which will fit them for the practical duties of life.

The older children should occupy the last year or two

of their retention in being taught the rudiments, at least, of some useful occupation, and direction thus be given to their minds and energies.

The managers exercise every disposition to co-operate with the authorities in making the home comfortable and beneficial, and will be glad to assist in any plan the Legislature may direct to enlarge the usefulness of the Institution.

That justice may be had by other institutions, within the care of the State, I recommend the Legislature to fix the amount upon which the managers of the Soldiers' Children's Home may draw the present year.

HOME FOR DISABLED SOLDIERS.

The institution is still maintained at Newark, although the aid heretofore extended to it by the Federal Government has been entirely withdrawn. Should it be kept up, the State must bear the whole expense hereafter.

Asylums for disabled soldiers are established at various points in other States, and maintained at the cost of the United States, and to these all disabled soldiers may go, and be retained and well provided for.

All the States except New Jersey, I believe, have caused their disabled soldiers to be removed to these National Asylums, and thus saved the expense of their maintenance. Had our State the means to spare, I should unhesitatingly recommend the Legislature to make appropriations for the care of our own unfortunate soldiers, but in view of ample and comfortable provisions being provided elsewhere for them, and in view of urgent demands made upon our resources by other necessary and charitable institutions, I think legislation should look to a closing of the Home.

A considerable number of soldiers that have been incapacitated for labor, receive through the funds of the "Home" a fixed stipend, and for this class of unfortunate persons, residing with their friends, provision should

be made by the State as heretofore, when the Home is closed.

The present Board of Managers are especially qualified to decide among our disabled soldiers to whom and to what extent, under given restrictions, the obligations of the State are due, and I recommend that this power be continued with them.

The entire cost of the institution for 1869, was thirty-six thousand two hundred and thirty-nine dollars and twenty-three cents ($36,239.23), the average number of patients being two hundred and sixteen.

STATE CHARITIES.

The deaf and dumb, blind and feeble minded persons of the State, soliciting its aid, are cared for, as is known, in institutions of other States.

The number is about the same as in 1868, and they are placed under such care as to insure them comfort and health, and the greatest improvement their condition renders them capable of.

Our State has been paying a less sum for the support of its patients, in some instances, than can be continued, and additional legislation will be necessary to meet the increased demand, which is small.

PILOTAGE.

The report of the commissioners of pilotage indicates a very favorable condition of that department of the service of the State. Over fourteen hundred (1400) sea going vessels have been piloted in and out of the harbor of New York during 1869, by the New Jersey pilots, and it is proper to say that for daring and skill, no superior body of men can be found anywhere. It is not uncommon for our pilot boats to run out three or four hundred miles to sea in fearful weather, and with great exposure and peril, to give their aid to inward bound vessels. As the commissioners suggest,

their labor and peril is not always appreciated, and contests arise as to the compensation to be paid the pilot.

My judgment is that from humane as well as truly economical considerations, the law should offer every inducement for pilots to meet vessels the greatest reasonable distance from shore. Other recommendations will be found in the commissioners' report, which will receive your consideration.

STEVENS BATTERY.

As communicated to me by your predecessors, the vessel known as the "Stevens Battery" was bequeathed to the State by the liberality of the late Edwin A. Stevens, and the sum of one million of dollars was also left by him to finish the vessel in the most complete manner.

Under the authority of the law empowering me to accept the vessel and appoint commissioners to take charge of the interest of the State during its construction and pending its disposal, I appointed as commissioners General Fitz John Porter, of Morris, and Messrs. Benjamin G. Clarke and W. W. Shippen, of Hudson, who made a report of their labors, which accompanies this message.

There is no longer any doubt but that the vessel, when finished, will be the most formidable war vessel afloat; and though constructed at a cost little short of two millions of dollars, will be much better worth the money than any vessel of similar cost in our own or other navies.

The vessel is being completed under the personal superintendence of General George B. McClellan and Captain Newton, which alone is sufficient to insure to our people not only every effort that fidelity gives, but every aid of the highest intelligence.

As the consent of Congress will be necessary to permit the State to lawfully accept the vessel and dispose of it, I recommend the passage of a joint resolution requesting our representatives at Washington to procure such consent.

The vessel will be completed within 1871, and can be finished sooner if required, but at an increased cost.

BONDING TOWNSHIPS.

Upon two occasions during the last session, I felt constrained to veto acts which contained within them the privilege to bond certain municipalities and townships to aid in the construction of railways.

An investigation of the system as practised elsewhere, especially in the Western States, shows it to be fraught with injustice and wrong to the community, and severely tempting to the subordinate officers of towns working under it.

Considering the enormous taxation our people are already subject to, for purposes necessary to keep inviolate, as we ever should, our National State and local credit, it would be surprising should any considerable number of our citizens be found to advocate any increase of taxation not necessary to the absolute necessities of the State or localities within it.

But, should a community be disposed to add to its burden, no system could be conceived more dangerous, mischievous and unjust, than the bonding process for the benefit of railways.

Most of the bonding schemes look to the repayment of the towns bonded by the guarantee of unbuilt railways, or if built, so incumbered as to make the guarantee of question.

An equivalent is sometimes proposed by an exchange of railway bonds, whose value, if not entirely mythical, is at least altogether contingent, for the town bonds of communities whose property is fixed, most valuable and easily reached. The railway bonds or guarantee usually offered as an equivalent for, or a protection to the bonds of the towns, are admitted to be of inferior value, or unmarketable, else there would be no advantage to the railway in the transaction.

The whole people of a township may be made to pay for a convenience or advantage, that by reason of the location of the railway, is only enjoyed by the inhabitants of a small but densely populated portion of the territory.

If representation be granted to the towns in the man-

agement of railways thus built, the difficulty of obtaining and retaining proper and efficient representation is inherent under our political system.

I suggested to your predecessors that the right of the Legislature of New Jersey, under the Constitution of the State, to transfer private property without consent, to the use of any individual or corporation was extremely questionable, and if attempted would surely involve long and expensive litigation to our citizens. I also asked why railway corporations alone, should receive the benefits of such legislation as the bonding process may yield—why not agricultural, manufacturing and commercial enterprises? Of their benefit to the State and its citizens the amplest evidence is daily had.

May it not be safely assumed that in all the older States, at least whenever a necessity exists for a railway, private capital will be prompt to seek investment in that, which if needed, will reap a handsome return, and if not needed, should not bring its misfortune upon unwilling and already oppressed tax payers.

CONSTITUTIONAL AMENDMENT.

Conforming to my duty, I submitted to the last Legislature the proposed addition to the Federal Constitution, known as the Fifteenth Amendment.

With a view of permitting the people of the State, in the exercise of their right, to express themselves upon the subject, through the election of representatives to the present Legislature, I recommended that no final action be taken by your predecessors. To this they acceded, and their decision, in strong contrast with that of most of the States acceding to the amendment, seemed to be most fitting, considering the importance and gravity of the subject involved. It is gratifying that legislators, who possessed ample power to defeat an important political measure, should have so highly regarded the honor and reputation of our State and rights of the people, so as to omit its exercise, even under

great provocation so to do. The late election gave ample opportunity to the advocates of universal suffrage to press their views.

The result is known, and New Jersey declares against the scheme.

The adoption of the proposed amendment is objected to because in the minds of many reflecting men, the universality of suffrage is but the extension of an existing evil—the true remedy for which lies in its continuance to those who already possess the privilege, and its grant to those who may, under the operation of law, possess it within a limited period hereafter; and thereafter restricting it to such as shall possess some simple and reasonable but intelligent qualification for the exercise of so important a trust.

A proposition of this character, containing so many elements of safety to the government and advantage to the people, would, from its very nature, become the opposing force to the doctrine of universal suffrage, nor could the issue be doubtful when fairly understood.

No hardship could come to those now having the right to vote; for the privilege, once bestowed, becomes thereafter a legal right—no impediment is placed in the way of those of native or foreign birth, who are preparing for citizenship; for some time would elapse before the proposed remedy would be made effective, and no wrong would be put upon those who might hereafter desire citizenship under the constitutional requirements suggested; for ample time would be had by all persons, even of ordinary capacity, to fit themselves to meet the simple requirements by which alone the privilege of suffrage could then be possessed.

All classes of citizens are interested in the wise and faithful administration of government; and none are more peculiarly so than the hard-working and toiling citizens who need all the benefits and protection of government, with the the least cost of taxation and restriction of liberty.

Upon them especially would universal suffrage come with peculiar hardship, for experience seems to have demonstrated

that in proportion as the numbers increase beyond a given point, of those who may exercise a political power, the average intelligence will be diminished, and thus the government be rendered liable in a larger degree to the dangers and infirmities of ignorance, passion and prejudice.

It seems also to be conceded, that while very large political bodies, the members of which seem to have equal voice and authority, are, as to appearance, most democratic, yet the soul that animates such bodies is usually intensely oligarchic. Thus would universal suffrage, by an indefinite extension of the primary power, weaken it, rendering it susceptible in a dangerous degree to the arts of ambitious men, and to the plausible but wicked devices by which republican governments are ever insidiously assailed.

The adoption of the amendment is also opposed by New Jersey, for the reason that it radically changes the form of government in destroying the relation of the States to the Union of their creation.

It takes away from them the essential attribute of self-government, and debases them from creators, as they were, to creatures, as they will be.

It compels a State to alter its Constitution against the expressed wish of a majority of its own people.

It is objectionable in that it gives by the strongest implication the right to Congress to still further legislate upon the subject, so that suffrage may be made to depend upon nativity, religious belief, property and the like. In declaring that no person shall hereafter be denied the privilege of suffrage, because of color, or previous condition of servitude, it would be no great stretch of interpretation for present statesmanship to regard all powers not prohibited, as within the compass of partisan power, or prejudice, or political necessity.

That the passage of the proposed amendment and its enforcement upon the non-concurring States is a breach of faith upon the part of a great and dominant political party is known to all, for the convention which nominated Presi-

dent Grant expressly declared "that the question of suffrage in the loyal States properly belonged to the people of those States."

As an integral part of the Constitution, should the amendment be adopted, it will always be open to the serious objection that States assented to it under duress, and during a period when all other participation in the affairs of the Federal Government was practically denied them.

The singular anomaly of being a State in authority for a single and partisan purpose, and a territorial dependence in all other respects, has been presented for the criticism of the enemies of popular government.

The advocates of the proposed amendment urge its adoption upon the assumption that *Suffrage is a Right*, and not a privilege bestowed by government, and that all men without distinction as to "class, color, or previous condition of servitude, etc.," are the natural inheritors of such right, and this assumption is sought to be enforced principally upon the ground that all governments derive their powers from the consent of the governed. To show the fallacy of such a doctrine, it is only necessary to ask why its application should be limited to men, and why women, who are amenable in like degree as men, under our law, to punishment for crimes, to taxation for the support of the State, and to most other impositions of government should be excluded from the exercise of a power claimed to be a Right to those who are governed?

Again, if suffrage be a Right, why should States be permitted to make an arbitrary rule as to the age which shall be attained before suffrage shall be exercised, for many persons are better fitted to vote intelligently at the age of eighteen than others are at fifty. Or why should Congress fix a period of years before a naturalized citizen can exercise the privilege of the ballot, when his adherence and duty to the government is just as fully had, if the necessary oaths be taken, upon the day of his treading our shores, as they are ever had?

We all know that these limitations and restrictions, with others, are the result of prudent foresight and care, and that they are made in the exercise of that wise discretion which under all governments must be lodged somewhere, for the preservation, prosperity and perpetuity of the State.

The abridgement of suffrage to any extent, by the decision of the people, is the acknowledgment of power to protect themselves by salutary restrictions, and fixes, of necessity, that suffrage is a power conferred upon the person, and regulated by the State, and not, as is claimed by the advocates of the proposed amendment, a natural right.

The tendency of all such dogmas as the assumption of a natural right to suffrage, is toward agrarianism, and it would not be singular, did such theories once fasten themselves upon the organic law, that prosperous labor and well managed capital should be called upon to equalize with indolence and prodigality.

It is no matter in rendering a decision upon a question of principle—affecting in a vital degree perhaps, the future of the Republic—what the probabilities are as to the action of other States. Our duty is a plain one, and that is, to reject the amendment proposed.

Should it finally be declared adopted by the Federal authorities, then will arise, perhaps, grave constitutional questions, and as these may ultimately be decided so our duty will again be made clear. To the people of New Jersey there is no higher law than that as expounded by the highest judicial tribunal—however partisanship may have composed it.

Whatever result may occur before my next annual message to you, I feel assured our people will deal with practical issues, leaving the dead past to bury its dead, contenting themselves, if need be, that no honorable means have been neglected to enforce cherished principles.

If issues involving governmental policy are finally settled against our earnest efforts and protests, as good citizens we must accept the decision recognizing the fact, that issues de-

termined are for the time no longer subjects of profitable political discussion, and however wrongfully settled, they are past present remedy, and patriotism, policy and good sense demand our acceptance of them.

THEODORE F. RANDOLPH,
Governor.

VETO MESSAGE

OF SENATE BILL, NO. 111,

ENTITLED,

"A FURTHER SUPPLEMENT TO AN ACT ENTITLED "AN ACT RESPECTING THE COURT OF CHANCERY."

VETO MESSAGE.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, March 2d, 1870.

To the Senate:

I beg to return to the Senate, where it originated, Bill No. 111.

This bill alters, and I have no doubt in many respects improves, the practice of the Court of Chancery; but the fourth section seems to have been hastily drawn, and instead of accomplishing the manifest object of the section, at least leaves it open to a construction which could not have been intended.

It provides that "all suits to which the Chancellor may be a party, either individually or in a representative capacity, and all proceedings therein, shall be heard by the Chief Justice, or if there be no Chief Justice, by such Associate Justice of the Supreme Court as may be senior in office, or by such Justice of the Supreme Court of Master in Chancery as may be designated by the Chief Justice, or such senior Justice, by an order made and filed in the cause, *unless some other person shall be designated by the Chancellor for that purpose.*"

May not the closing words (which I have italicised), be so construed as to practically defeat the evident purpose of the Legislature; instead of providing for the mere authentication of the order or decree by the signature of the Chancellor, to orders and decrees in causes where he

is a party individually or in a representative capacity, it requires his *approval* of the order or decree, which he is advised to sign by the officer who heard the cause and pronounced the decree.

Very Respectfully,

THEO. F. RANDOLPH,
Governor.

Veto sustained.

MESSAGE

RELATIVE TO THE

HOME FOR DISABLED SOLDIERS.

MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 9th, 1870.

To the Legislature:

In my annual message I suggested the propriety of legislation that looked to the gradual closing of the "Home for Disabled Soldiers," giving as a reason therefor, the establishment of National Homes by the General Government, where, as I then supposed, our soldiers could be comfortably cared for. I gave as another reason for my suggestion the demands made upon our limited resources by other beneficiary institutions of the State.

I am now convinced that the closing of the "Home," during the present year, would lead to great want and suffering among a class of our people to whom we owe an especial obligation, and I take the earliest opportunity of respectfully recommending to the Legislature that no change be made in the law under which the institution is continued.

I am sure it is only necessary to state, (to insure co-operation in my present views,) that many of our soldiers have walked over a thousand miles returning from the National Homes, to the "State Home," with its comforts, and nearness to friends and families.

We have stood alone, of all the States, in maintaining an Asylum for our disabled soldiers, and the action of other States looking to the re-establishment of their "Homes," indicates our past action to have been right, and our present policy to be against any change of it.

Respectfully,

THEO. F. RANDOLPH,
Governor.

Recommendation adopted.

MESSAGE

IN RELATION TO

TAXES ON CORPORATIONS.

MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 15th, 1870.

To the Legislature:

In my annual message, recommending the passage of a law by which the revenue of the State would be increased to an extent sufficient to meet its rapidly growing requirements, I suggested that to meet the probable deficit of the present year (growing out of the withdrawal of aid from the Federal Government), one of three courses would have to be pursued:

First—To levy a direct tax upon the capital and property in the State;

Second—To increase the rate upon those corporations now paying taxes to the State; or,

Third—To levy a direct tax upon those corporations of the State (not benevolent or beneficiary), that are not now paying taxes directly to it.

I objected to the first plan because the people and property of the State are already paying their full share, and for the reason that if any property in the State deserved especial protection, it was that which was fixed, always attainable, and by its very nature, most reliable for the State's need. Of such a class, farms, buildings, real estate, and the like, are most prominent.

I objected to an increase upon the second class because they are already taxed in undue proportion; paying as

they do (five or six corporations) nearly *two-thirds of the entire revenue* of the State. This is not only wrong in principle, but will return to grieve the State in the claims these corporations make for special protection against competition, in view of their support of the State.

It is not compatible with our dignity that such an assertion be true, by possibility.

I favored the third plan because my study and experience has taught that corporate capital, being the capital of the possessor of *special privileges*, granted by the State, as only the State can grant, was especially liable to taxation, not only to the full measure of private capital, but in an exigency, beyond what private capital was liable to; because,

Capital in corporations has nearly *double value*, inasmuch as the stock which represents the original investment is also available for collateral use. Private capital has no such advantage.

Capital thus invested has a limit of responsibility—being usually the amount put in, and no more. Capital which individuals invest in a given business, is not the full measure of personal responsibility; for failure or misfortune renders the individual liable for all debts and obligations which the business may have brought about.

Capital thus invested rarely pays full *local taxes*, as under one pretence and another, and through clever assessors, or other means, they escape from taxation.

Capital invested in corporations has a divisibility, prompt and effectual. This quality, in the event of the death of an investor, or in case of dissatisfaction with the business or its management, is often of the greatest importance and value.

Capital under corporate rights has *privileges* that *persons* have not. Corporations may and often do seize upon and appropriate private property for their benefit, regardless of the loss or inconvenience of private citizens.

Capital obtains the power coming from accretion with greater ease and rapidity, under corporate existence, than in any other way, and as we have ample evidence, can use that power with less of moral or legal responsibility than private capital dare do.

Thus the State seems to give a *quasi* immunity to action that would disgrace the incorporators as private citizens; and yet it is practiced by corporations.

Whatever may be thought of the *morale* of the existence of this condition of affairs, the fact still remains of such a power had and used.

I might enumerate other palpable advantages which corporations possess, rendering them peculiarly liable to the State's demands, but it is not essential.

In my annual message, referring to this subject, I said, substantially:

"That nearly the whole of the legislative time, with its heavy attendant cost to the people of the State, is taken up by the wants or demands of private corporations; and it is perfectly safe to say that one-half of the time of all the higher courts, with the cost incidental thereto—to say naught of the delay to individual litigation, is made up by contests between corporations, or where corporations are a party thereto; the results of which are rarely of importance, as touching the great body of the people.

"That corporations are most useful, properly guarded in their powers, and that to the capital aggregated under their special privileges, nowise else to be obtained, perhaps—the greatest advantage to the State and its people have been had, no sensible person will dispute. *But that the capital thus invested in corporations should seek and obtain immunity from taxation which the employees of these same corporations cannot obtain, is both unjust and indefensible.*

"It is claimed, however, that for the reasons assigned, and others equally obvious, under the pressing necessities of the State for larger revenues, these objects of its creation and continued fostering care should be required to pay a small per centage to the State.

"It may be asserted that the tendency of the law will be to drive capital from this to other States. I assert, without fear of intelligent contradiction, that the States of New York and Pennsylvania, which, by proximity to the great centres of trade, are our chief competitors for capital seeking investment in the business done under the corporation affected, place a heavier impost on their corporations, by one process or another, than New Jersey has ever done, or will ever desire to do.

"We possess peculiar advantages in every respect for corporate enterprise, and it is the right, as it is the duty of the State, to avail itself reasonably of its advantages.

"A very large number of corporations, seeking to avail themselves of our liberal grant, or desiring the confessed protection of our courts, or purposing, perhaps, the evasion of imposts elsewhere, have their capital, labor and interests entirely beyond our limits. Surely they might justly be reminded of the power that created and protects them, without trespass upon their rights."

I am induced to call your especial attention to this subject again, for the reason that to sustain the credit and meet the obligations of the State for the year, action is necessary. Having directed your attention to the subject in my annual message, I deemed it due to your Honorable Bodies to await further suggestions until the latest period, hoping you might agree upon a system of taxation generally acceptable and resulting from mature deliberations.

However imperfectly expressed my views may be, given under the pressure of the duties of your closing hours, the obligation to give them is plain.

Your decision to adjourn on the 17th inst. meeting, as it does, with the almost universal concurrence of our people, and fixing, as it will, a creditable example of prompt legislation for future bodies, will not, I trust, be frustrated by any want of legislation in behalf of the State.

Respectfully,

THEODORE F. RANDOLPH,

Governor.

MESSAGE

IN RELATION TO

TAXES ON CORPORATIONS.

MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 17th, 1870.

To the Legislature:

Your Honorable Bodies have deemed it wise to omit the passage of the law recommended by me, to tax the Corporations of the State not now contributing to its revenue; and desiring to facilitate your business and the immediate adjournment you propose, I desire to place before you the following facts and estimates derived from official sources mostly within your possession:

The items of income had by the State in 1869 were, per Treasurer's report		$678,908.73
Of this amount there was had by loan from banks	$60,000	
By State tax fund	60,000	
By special receipts from Joint Companies	20,000	
By amount Paterson and Hudson River Railway	18,900	
		$158,900.00
		$520,008.73

The loan from banks is taken out ($60,000), because it is not a *bona fide* "income."

The State tax fund ($60,000) is taken out because it is included in the final deficit.

The receipt from Joint Companies, for land at Camden, &c., ($20,000) will not be repeated this year, nor will that from the Paterson and Hudson River Railway ($19,000).

The receipts from general sources for 1870 may be somewhat in excess of this amount ($520,000), but there is no reliable data to base any *considerable* increase upon.

The expenses of the State for 1869, per Treasurer's Report, were		$582,877.54
To these add amounts heretofore paid by United States, (War Fund),		
To Soldiers' Children's Home	$40,000	
To Soldiers' Home, Newark	30,000	
To State Militia	30.000	
		$100,000.00
Also add, Amount Legislative Appropriation,		
To State Prison, for new wing	50,000	
" for new shop, due from 1869	30,000	
To Lunatic Asylum and Reform School, new buildings	50,000	
To Deaf, Dumb and Blind, and Increased Salaries—excess over 1869	10,000	
		$140,000.00
Also add, Amount required by law to pay interest on State Debt, and amount to Sinking Fund,		$290,000.00
		$1,112,867,54
From which take the estimated receipts from general sources, as stated above		$520,008.73
Leaving to raise by direct taxation in 1870		$592,861,81
Against amount raised by direct tax in 1869		350,000.00
Making an excess of direct tax for 1870 over that of 1869, of		$242,868.81

To make good this deficit, the State tax would have to be about one and two-tenths mills upon the dollar; the total assessable property for 1870 being $533,000.

It has been suggested that the State can make good any deficit by the sale of bonds or stocks belonging to it.

This is undoubtedly true, but the responsibility of being compelled to sell assets of the State, heretofore jealously held by Executive and Legislative concurrence, and sustained by the people—this responsibility must rest elsewhere than upon this department.

My decided conviction is against a policy that not only impoverishes our capital (or assets), but by loss of interest upon it reduces our source of income as well, a policy that is best illustrated by the homely but apt simile of a barrel tapped at both ends.

Respectfully,

THEO. F. RANDOLPH,
Governor.

COMMUNICATION

RELATIVE TO

ASSEMBLY BILL, NO. 499,

ENTITLED,

"AN ACT RELATING TO TAXES TO BE PAID BY THE ERIE RAILWAY COMPANY," &c.

COMMUNICATION.

EXECUTIVE DEPARTMENT,
TRENTON, March 22d, 1870.

John B. Haight, Esq., Collector of City Revenue, Jersey City:

You ask me, through an official note from you, dated yesterday, to withhold my signature from Assembly Bill number 499, entitled—

"An Act relating to Taxes to be paid by the Erie Railway Co.," &c.,

alleging, as a reason therefor, the injustice of its operation to your city, should it become law.

Upon assuming the duties of the Executive office, I determined to fulfil it according to my ability, in consonance with the letter and spirit of our form of government, using the "veto" power only in such cases as were clearly unconstitutional, where unintentional mistakes had been made, or where the ends of Justice were clearly to be violated by Legislative contrivances, remote from, if not beyond Judicial enquiry.

For the *Executive* to debate questions of *expediency* with the Legislature, and constantly array his opinions and prerogative of "veto" against the expressed purpose of a majority of the Senate and House of Assembly, seemed to me antagonistic to the purpose of the authority under which I hold my office, and violative of our form of government.

So careful were the framers of our State Constitution that no real power of obstruction to Legislative will should rest with the Executive, that, as you are aware, the "veto" of an Executive can be constitutionally overridden by a mere repetition of the same vote that originally passed a given bill, or even a less number, provided that number be a majority of each house.

The theory of our State Constitution is, therefore, that majorities of the members of both houses best declare the will of the people in all cases, even after the Executive disapproves.

From frequent remarks and written application made to me, I fear this matter is not completely understood by all our people.

If the fact is, as against the theory, that the people are not heard through a majority of their Legislative members, and through improper influences, unjust and pernicious legislation is had, the responsibility is upon the electors who send them, and not upon the Executive, whose power over their action, as I have just indicated, is literally nothing.

When the people of New Jersey, of all parties, select men for Legislative positions, with reference to their integrity and capacity and not for their temporary political availability, they will have bridged most of the dangers of bad legislation. For me to attempt its correction by the exercise of the "veto" power when the Legislature is in session is, as you perceive, a serious undertaking, and although I have been sustained by the Legislature in all my vetoes thus far, I attribute it chiefly to the fact that my objections were in all cases, partly at least, of a constitutional character.

I have had in my hand within the five days prior to the adjournment nearly one-half of the entire legislation of the session, and the adjournment leaves all these acts subject alone to my official sanction. I do not propose to discuss the safety or propriety of legislative action that permits such accumulation and its resulting power in the hands of the Executive.

Of this great number of acts I deem it safe to say that a large per centage are contested upon the ground of public or private injustice, inexpediency and the like, and if I even deemed it within the scope of a legitimate exercise of my functions to *judicially* consider and decide upon such questions, the remainder of the year will be hardly long enough to make the adjudication. I am thus frank in the expression of my views because I desire your authorities and others to appreciate my position under existing facts.

It is especially due to your authorities and people that these semi-official opinions and statements should be given by one who so long represented them in a legislative capacity, and who has, and ever will have, a grateful recollection of their confidence and support bestowed by men of all parties.

I have not deemed it necessary to discuss the arguments urged by the friends of the bill you oppose, who assert that this legislation simply places "Erie, as to taxes, upon a footing with the New Jersey, Morris and Essex, Central New Jersey and other railways, and with the Morris Canal Company, within the municipal limits; that it pays the State hereafter instead of the cities, as heretofore; that no permanent contract existed between the Company and the city of Jersey City, inasmuch as the Legislative Act on which the agreement was based expressly declares it to be open to alteration, modification, or repeal by the Legislature; that relief from uncertain municipal taxation is essential to a corporation seeking to permanently establish great workshops in a city centre, and that no such works and their advantages could come to the city without this certainty being first had." These have all been urged upon your authorities no doubt ineffectively.

I fully appreciate the importance to your tax-payers of the question yet remaining. Is it just to the great body of tax-payers that all the large corporations whose termini are within your corporate limits should be exempted from all other taxes upon the payment of a stipulated tax to the State?

The question is to your authorities a most serious one, oc-

cupying, as these great corporations do, so large a portion of your most valuable and taxable property, and requiring of you for their city untaxed property the protection of your police and fire departments, paid for by the taxation from others.

I imagine the corporations will ultimately find it to their own advantage, agreeing with corporate authorities, to fix upon some uniform and just system by which the burden of local government may be fairly distributed, with special advantages of bringing in certain properties, and thus avoiding what may else become a most serious question to all concerned.

You may be assured that however I may consider my official authority restricted, my personal influence, if any, will ever be used toward so desirable a consummation, although I cannot now with propriety exercise my official prerogative in preventing the execution of the bill passed by the Legislature.

Very Respectfully,

THEO. F. RANDOLPH,
Governor.

ANNUAL MESSAGE

To the Legislature, Session of 1871.

ANNUAL MESSAGE.

To the Senate and General Assembly of the State of New Jersey:

At the last meeting of the Legislature, it was directed that all State officers, with whom it had been customary to make reports either to the Legislative or Executive Departments of the government, should thereafter report to the Executive annually all business pertaining to their respective departments for the preceding year, closing on the 31st day of October.

This law has had the effect of confining all present reports to a period of eleven months, inasmuch as the time embraced in previous reports included the month of November. Under this law the Secretary of State, Comptroller and Treasurer were authorized to have their reports published in printed form. Thus full information respecting the affairs of the various departments is given, and, being immediately accessible to legislators, when in session, makes possible systematic and intelligent legislation. In referring to the condition and statements of the various departments, my aim will be to direct your attention to such statements and suggestions as are of special concern to our people.

FINANCIAL.

The receipts of the State for eleven months, ending October 31, 1870, were	$631,303 66
The disbursements	562,123 71
Leaving a surplus of	$69,179 95

The principal items of receipts were :

From United Companies		$298,128 96
" Dividends of Railroad Companies		28,270 00
" Interest on Railroad Bonds		37,864 10
" Morris and Essex Railway		48,795 31
" New Jersey Central		43,551 20
" Riparian sources		76,500 00
" All other sources		98,194 09
		$631,303 66

The disbursements have been :

To payment special loan		$60,000 00
" Legislative Department		56,980 18
" Printing		53,949 06
" State Prison salaries		40,028 41
" " Shops, &c.	$53,687 31	
" " New wing	14,868 63	
" " Repairs	12,903 41	
" " Balance of appropriation	16,542 00	
		98,001 35
To Judiciary		44,930 44
" Transportation and costs		23,532 01
" State Reform School		20,050 67
" Lunatic Asylum		36,584 84
" Deaf and Dumb, Blind and Training School		29,336 82
" State Militia		29,362 36
" All other objects		69,367 57
		$562,123 71

It will be observed that the two-thirds of the entire income of the State—irrespective of the annual levy to reduce the war debt—is obtained from three or four railway companies, or from interest upon their securities belonging to the State. Nearly one-eighth of the entire receipt comes from the riparian sources—leaving less than one-sixth of the aggregate amount derived from all other sources.

The State is thus enabled to meet all its obligations, except the small annual contributions to pay interest on its war bonds, and provide for their gradual extinction, without the imposition of a tax upon corporate or private property, save as to the corporations named. It will occur, however, to reflecting minds, that this condition of affairs,

relieving though it may, the greater portion of our citizens and corporations from State taxation, has manifest disadvantages—not the least of which is, the implied obligations such obligations create. The rapidly increasing expenditures of the State will permit legislation to seek a wider and safer scope for objects from which to obtain revenue.

The disbursements include the payment of the only floating debt the State had. It is gratifying to notice the diminution in the cost of State printing as compared with previous years. The expenditures at the prison give the entire cost of building and furnishing the most complete prison workshop in the country—repairing the old portions, and beginning the erection of a new prison, long needed. The present year will complete these unusual expenditures and give adequate prison space and work room for years to come. The remaining items of disbursement show no material increase over previous years.

The expenses of the government are increasing, even in greater ratio than the population. In the year 1840, the population of the State being 372,791, the cost of maintaining the government was $90,604.22, or equal to 24 cents for each inhabitant. In 1850 the population was 489,703, and the cost of the government, per inhabitant, equal to 25 cents. In 1860, with a population of 672,073, our expenses reached thirty cents for each person, and in 1870, with a population of 906,172, the rate runs up to 64 cents for each person claiming residence within the State. No doubt a portion of the increased per capita rate comes from unnecessary expenses, ever attendant upon a thrifty and rapidly growing community; yet no State, perhaps, has suffered less from the extravagant tendency of the times than New Jersey. It is not inappropriate in this connection to call your attention to the very heavy burthens falling upon the inhabitants of most of our large cities and towns by reason of onerous local taxation. Legislative authority has delegated extraordinary powers to most of our incorporated towns, and, under one pretext and another, expenditures have been made, and are still being made, irre-

concilable with the actual needs of communities, the real wishes of tax payers, or the true interests of the localities pecuniarily interested. It is not true that the decisions of such questions are of local interest alone. The State that obtains, in no small degree, its vigor and support from these communities, has an especial interest in affording, to all who seek its soil, exemption from onerous taxation. Favoring the most generous laws for the growth and improvement of our rapidly increasing cities and towns, I also feel assured that the time has arrived when ignorant, irresponsible, or corrupt local legislators should be held within such restraints as the interests of our substantial and laboring people demand and have a right to receive.

No inconsiderable portion of the increased cost of government arises from our changed view of what constitutes the duty of the State. Our prisons are now institutions of reform as well as punishment, and the criminal is placed within the reach of mental and moral tuition; has wholesale labor for respite from the torments of remorse—and leaves his confinement with whatever of manhood may be kept alive or cultivated by kind treatment, linked with firm discipline. Our asylums for the insane give their inmates the comforts of home, and seek, through gentle means and kindly influences, the recovery of these most unfortunate of the State's wards. Schools of reform take the place of inefficient punishment that more frequently hardened than corrected the youthful offender. To these enumerations may be added the care and cost the State now bestows upon unfortunate and impoverished minors, who have been bereft of sight, or speech, or hearing; upon the children of its soldiers, whose lives have been sacrificed at its demand; upon the soldiers themselves, who have, by wounds or infirmities, been rendered homeless and destitute. All these are avenues for large expenditures by the State, but so just and beneficent are they deemed that no effort for retrenchment would successfully trespass upon a policy so commendable and established. The remaining serious item of taxation by the State upon its people, is that levied for the support of

public schools. There may ever remain, among just and good men, wide differences of opinion as to the mode of distributing the moneys thus levied; but there can scarcely exist among thoughtful and intelligent persons any diversity of opinion as to the beneficence of a system of general education. It is plain from this imperfect review, that no diminution can properly attend the main items constituting the State's expenditures. Minor and yet larger sums are annually expended for salaries—printing and the like—and to some extent, it may be practicable to reduce their aggregate.

WAR FUND.

From State Tax, 1869	$283,000 00
" State Tax, 1869 (credited War Fund)	57,000 00
" United States	25,030 42
Balance December 1, 1869	1,426 81
	$366,457 23

And has disbursed:

To General Sinking Fund	$283,000 00
" Soldiers' Children's Home	32,512 50
" Home for Disabled Soldiers	28,227 84
" State Militia	20,580 39
" Other objects	1,069 00
" Balance October 31, 1860	1,067 50
	$366,457 23

Largely through the assiduous attention of the Quartermaster General of the State, who has had charge of the unsettled accounts between this State and the United States, we have been enabled to collect the sum of $25,030.42, the past year. This makes a total of $52,570.87, obtained from this source, since the accounts with the Federal Government were considered liquidated.

The cost of maintaining the Home for Soldiers' Children is lessened about thirty per cent., while the payments in behalf of the Home for Disabled Soldiers have considerably increased.

The reports of the managers of these institutions being in your possession, no further reference will be made to their affairs, than to commend them to your attention, with the opinion that no more extended, deserved, or humane service is rendered by the State, cost considered, than by these institutions.

It has been suggested that the expenditure at the Soldiers' Home might prove of more permanent and discriminating benefit if distributed judiciously among our disabled and impoverished soldiers, or their families, throughout the State, instead of confining the beneficence so largely to a single locality.

GENERAL FUNDS.

The Commissioners of the Sinking Fund report:

Assets on hand	$1,116,605 42
Being in excess of 1869	70,675 50
The outstanding indebtedness of the State (War Fund) on the 31st of October was	$2,996,203 00
From which deduct assets in hands of Commissioners	1,115,605 42
Leaving an indebtedness beyond assets	$1,880,594 58

The affairs of this commission continue to be managed in accordance with the highest character of the gentlemen to whom the State has confided the custody of its sacred fund.

The bonds of the State cannot be advantageously purchased by the Commissioners on account of the high premium they bear. Of the assets held by the Commissioners, $337,400 are in the bonds of the State, the residue being composed principally of loans secured by mortgages within the State.

STATE FUND.

The "State Fund," comprised as it is of bonds and stocks of railway companies, county bonds, &c., now amounts to $1,587,370.44.

If to this amount be added the sum in the hands of the Commissioners of the Sinking Fund, an aggregate of $2,702,975.86 is had, or an amount more than sufficient to cancel the entire obligations of the State of all kinds.

SCHOOL FUND.

The fund has received during the year	$98,154 56
And disbursed	93,516 59
Leaving on hand	$4,637 97

The change in the termination of the fiscal year temporarily affects this exhibit, as will be seen by the report.

Its securities now amount to $561,121.47, safely invested. As the Constitution prohibits any diversion of moneys once allotted to the School Fund, it becomes very important that legislation looking to its increase should be carefully considered. No assets of the State that are not fully secured should ever be placed within a fund which, once possessing them, places them beyond the reach of legislative change or protection.

With the large and increasing amount contributed toward the support of public schools by local taxation—an amount now nearly sufficient to render all these schools free in their character—there seems to me no necessity for rapidly augmenting the total of the School Fund while so many other objects of the State's care are in need.

The Fund of the Agricultural College remains as heretofore, and unless increased by special appropriation will so continue.

RIPARIAN COMMISSION.

Under the financial head it has been stated that, from the operations of this Commission, the sum of $76,500 has been received during the year. A much larger amount would have been obtained, no doubt, but for the judicious determination of the Commissioners not to issue further grants pending the decision of test cases in the courts of this State,

and in those of New York. These have been lately rendered, establishing, by the New York decision, the right of New Jersey to claim, control, and dispose of the water or shore-front privileges known as "Riparian."

This decision, rendered by the highest judicial tribunal of the State of New York, recognizes to the fullest extent all that New Jersey has claimed as to jurisdiction and control of her shore-front.

The decision recently given by the Court of Errors and Appeals of this State settles conclusively, so far as the State courts can decide, the long disputed question of the rights of riparian or shore owners as against the State. Thus it becomes established that the ownership of the bed of all navigable streams is in the State alone; and that the State is in no sense a mere trustee of a property of value to some of her citizens, and of no interest to others.

The decision is conclusive against the claims heretofore generally made by riparian owners of superior right to the use of adjoining waters for the purpose of fishing, bathing, or the like, and only concedes such owner a right in common with other citizens, the only advantage to the owner being his natural adjacency to such privileges. It also denies to shore owners any right to dock, or build out, or fill in, the property adjoining the shore front—except express permission be given by the State. Natural accretions to the soil belong to the shore owner.

It is also held that the State may grant an absolute title to the lands under water, with full power to fill them in and use them in front of any riparian owner without granting any compensation therefor, or incurring responsibility for the destruction of such owner's water privileges.

Complete and final as is this decision in favor of the State, I should deem it most unwise in policy, and unjust to a large class of citizens, who have inherited or purchased these water-fronts—under the common impression of their superior value—to take advantage of the power the State has secured.

Now that all doubt as to title is decided, the value of

most of the shore-front is so materially enhanced, that the riparian owner may obtain a price for his property, in excess of its previous value, and the State's demand combined. Thus it occurs, that whilst the State will receive a large revenue from the shore lands leased or disposed of, should we continue the just policy of preferring the riparian owner in leases or sales, his interests need not suffer pecuniary damages, except in rare cases.

It is impossible to state what revenue from this source may be expected in the future, but it will certainly be so considerable as to materially lighten the burthen of State taxation.

I cordially concur in the recommendation of the Riparian Commissioners, to give to Jersey City ample frontage for constructing public wharves and piers.

EDUCATIONAL MATTERS.

Under our system of public schools, there have been enrolled during the year one hundred and sixty-one thousand six hundred and eighty-three scholars (161,683), or nearly one fifth of the entire population of the State. The cost of maintaining these institutions has been one million six hundred and sixty-four thousand six hundred and fifty-nine dollars and three cents ($1,664,659.03). These moneys are principally the product of taxes, self-imposed, under the terms of the school law. Of one thousand four hundred and fifty-eight (1,458) school districts, eight hundred and seven (807) are absolutely free, whilst in those not so, the comparatively small sum of seventy-one thousand eight hundred and sixty-six dollars and two cents ($71,866.02) is had from tuition fees. In view of the close approximation of our school system to a perfectly free one, and for other reasons fully set forth in the interesting report of the State Board of Education, it is recommended that power be given so to advance the maximum rate of taxation permitted by law as to render the public schools of the State absolutely free. In this recommendation I concur.

The value of school property in the State is three million six hundred and seventy-seven thousand four hundred and forty-two dollars ($3,677,442.) The total number of children in the State between the ages of five and eighteen, is two hundred and fifty-eight thousand two hundred and twenty-seven (258,227). The increase in their attendance at public schools is eight thousand eight hundred and eighty-eight (8,888) for the year. The total number of children attending private schools, is thirty-two thousand four hundred and forty-seven (32,447), which, added to the number attending public school, makes an aggregate of one hundred and ninety-four thousand one hundred and thirty (194,130), or nearly four-fifths of all the children of the State between the ages of five and eighteen.

We may fairly claim that the education of youth is almost universal within our borders.

The report of the State Normal School continues to show the increasing prosperity and usefulness of that admirably managed institution and its adjuncts.

The Farnum School at Beverly has had two hundred and eighty-one pupils (281) pupils in attendance during the year. The Normal School has had five hundred and sixty-three pupils. This institution has not only been self-sustaining, but, by its surplus earnings, has enabled the State to become possessed of buildings and grounds which are now valued at one hundred and twenty-five thousand dollars ($125,000), and are well located and adapted to the purposes of their erection.

The Normal School has numbered two hundred and ninety-two (292) scholars during the year. No better attestation of the benefits flowing from this institution can be furnished, perhaps, than is contained in the fact of a constant and full demand by the school districts of the State for teachers from its well educated and disciplined graduates. A statement of special interest to our people will be found in the detailed history of the boarding-house system, adopted by the trustees of the Normal School. Briefly stated, within four years, grounds and buildings have been

purchased, having a total value of over forty thousand dollars ($40,000), more than one-half of which has been liquidated from the profits of the institution, beside giving a comfortable, cheap and convenient home for the pupils. In view of the success that has attended the management of all the departments of the Normal School, it would be a misnomer to call it a beneficiary of the State. I commend the detailed report to your especial notice, as exhibiting an instance of fidelity in the management of a public institution.

SCIENTIFIC SCHOOL AND AGRICULTURAL COLLEGE.

Aside from noting the continued prosperity of this institution, in which the State has so considerable an interest, there is no change of moment to remark in its affairs, save a necessary increase in the faculty of the college, and extension of the two principal courses of study from three to four years.

This extension will permit the introduction of studies of a more general educational character, and offers an additional inducement to our citizens to avail themselves of an opportunity by which their sons may be educated as liberally and economically as at any institution in the country.

State scholarships are filled upon the recommendation of county superintendents of schools. It should be made the duties of these officers to report graduating scholars who are prepared for a course at the scientific school.

LUNATIC ASYLUM.

The affairs of the Asylum are managed as satisfactorily as the crowded condition of its departments permit. It is impossible for the State to longer delay defining its policy regarding this institution, and do justice to the unfortunate persons in the State who claim and deserve its benefits. Two plans seem to have divided the managers and recent legislatures, and thus nothing has been accomplished toward increasing the accomodations at the Asylum.

The legislative plan has looked to an expenditure of fifty

or one hundred thousand dollars ($50,000 or $100,000) for buildings and conveniences suitable to the care and comfort of the insane, but directly connected with the present building. It has been urged by its advocates that such an expenditure would probably give all the additional room needed for many years, would be under one superintendence, and in most ways conduce to convenience and economy.

The superintendent has objected to this plan, and again gives forcible reasons therefor, which I commend to your attention. His recommendation substantially calls for the erection of a new asylum in near proximity to the present one, and largely subject to the control, management and economy of the present institution.

An expenditure of one hundred thousand dollars ($100,000) per year, for five or six years, would be necessary to carry out the superintendent's recommendation, and financially situated as the State has heretofore been, it was deemed unadvisable to enter upon so large an expenditure, even for a purpose so humane and deserving.

It has seemed difficult for the managers themselves to fully and definitely conclude how far these respective plans were correct, and I have only therefore to recommend that the whole subject be promptly considered and an appropriation be made so liberal as to maintain the prominent character New Jersey has ever had for the care and comfort and recovery of this class of our afflicted people.

The reports of the institution fully show the necessity of immediate action by your honorable bodies; exhibit the work and expenses of the year, and the large benefits of the institution to the insane portion of our population.

STATE PRISON.

The expense of maintaining the prisoners for the period of ten months was	$61,642 51
The earnings were	58,331 37
Showing a deficit of	$3,410 84

To those who have been informed heretofore on State Prison affairs, this simple financial statement tells its own story.

The aggregate loss at the prison for the five years from 1864 to 1869 was nearly two hundred and forty thousand dollars ($240,000)—or, equal to, say, fifty thousand dollars ($50,000) per year—whilst the entire loss to the State, under the present management, is but ten thousand three hundred and seventy-two dollars and fifty-one cents ($10,372.51) for the nineteen months, beginning with April 1, 1869. Nor is the gain a pecuniary one alone. Better discipline has never been maintained, nor fewer complaints of treatment been rendered by prisoners or their friends. As far as prisoners are reformatory in their character, I believe the management of our State Prison accomplishes this result through firm, uniform, and kind treatment. The new workshop is completed and in profitable use. All the prisoners able to work are now employed, and with such advantage as to leave no doubt that hereafter the prison labor will at least bear the entire expense of maintaining the convicts. As this successful system was, in its inauguration, the result of the efforts of prominent members of both political parties, I sincerely hope its management may only be entrusted to persons of equal fidelity and skill with the present officers.

The new wing to the Prison is being constructed as rapidly as possible, and is needed for the retention of convicts. In many cases pardons have been granted to make room for greater offenders. An appropriation will be needed to complete this building.

I commend all the reports of the officers of this department to your special notice.

A report will accompany this message, emanating from Mr. Daniel Haines, W. R. Murphy, and Samuel Allison, who were appointed Commissioners to attend the meeting of the National Congress on Prison Reform, held at Cincinnati. The report is filled with interesting and valuable information.

REFORM SCHOOL.

The State Reform School for boys, located at Jamesburg, is accomplishing all its advocates claimed for it. No expenditures made by the State brings better results.

Boys, heretofore committed to ordinary prisons for petty offences, were contaminated by associations with old convicts, and upon being released were often more deeply versed in criminal ways than before imprisonment. Under the Reform School system they are sufficiently constrained, usefully instructed, physically and mentally, and cared for in their religious training. All this is accomplished in a manner calculated to develop the higher qualities of their natures, and repress evil tendencies, whether natural or cultivated. I am convinced the number of adult convicts in our prisons will only be lessened when the State has fully provided for the care and reformation of petty and youthful offenders.

The experience of our reform school compels me to believe that the State which fails to provide adequate reformatory facilities for young offenders, shares, in a degree, the responsibility of their later and greater violations of the law.

If it be wisdom—as it certainly is—to expend hundreds of thousands of dollars each year to educate our children, so they may not fall into crime through ignorance, it is equally wise to expend largely to reform the unfortunates who are within reach of reclamation.

No provision has been made by the State for a school in which to reform girls. A considerable number are now confined in our State and county prisons, two or more at the State Prison less than ten (10) years of age. Many youthful female offenders fail to be imprisoned because the courts doubt the benefit of compelling female children to prison association. I recommend an appropriation for the immediate erection of a reform school for girls.

MILITIA.

The entire number of company organizations authorized by law is now complete, save in certain counties that have omitted to avail themselves of the privilege of raising at least one company. The cost of maintaining the militia for the year was twenty-six thousand one hundred and twenty-six dollars and fifty-five cents ($26,126.55). Under the present law it is claimed that the State has "a compact, well-officered, drilled and disciplined body of men, available, at any time, for effectual service."

As soon as the war department decides upon the kind of breech-loading rifle it will adopt, our Springfield muskets will be converted into such weapons, or sold, and the proceeds applied to their purchase. Pending such decision at Washington, I have declined to authorize any change of arms.

THE PILOT SYSTEM

Of the State is in the hands of an efficient and intelligent board of commissioners.

Their report shows the number of pilots of all kinds licensed by the State as fifty-seven (57); number of pilot boats, six (6); number of vessels piloted, one thousand two hundred and twenty-eight (1,228). I adhere to my previously stated convictions, that the security of life and property requires the enforcement of the laws of pilotage. That this can be done without detriment to that class of our citizens who are masters and owners of vessels, and having competent knowledge, desire to act as their own pilots, it need only be stated that a pilot's commission will be issued by the board at a cost of less than five dollars, upon the applicant passing suitable and not unnecessary examination.

CENSUS MATTERS.

The complete report of the labor of the Census Bureau has not been attainable by the authorities of the State. It is safe to say that our population exceeds nine hundred thousand (900,000), which ranks us seventeenth among the States. New Jersey has increased in greater ratio than any State east of Ohio, and is more densely populated, territory considered, than any of the States, save two. Of all the States she pays more taxes to the federal government proratably—has a larger value, per acre, to her land—more wealth to each inhabitant, if equally distributed—as few children, probably, not receiving the advantages of education as any State in the Union—while in railway and traveling facilities, population and territory considered, she is the peer of any State. Notable as this progress has been, it is not hazarding too much to say, that, with our great mineral resources developing the peculiar advantages our location offers to manufacturing enterprises, and, beyond all, the great agricultural and commercial advantages possessed by us, New Jersey, ere long, will rank, comparatively, first among the States in wealth, intelligence and prosperity.

ELECTIVE FRANCHISE.

I earnestly urge upon your attention such amendments to existing election laws as will tend to secure at the ballot-box a pure and free expression of the public will. Our present laws are almost a dead letter. Members of both political parties have probably rendered themselves so liable to legal penalties, that, as if by common consent, no prosecutions are had. The evils which flow from the corruption of the ballot can scarcely be exaggerated. Insiduous in their nature, they are working far more of danger to the government than foreign or internal strife have ever accomplished. By disrespect shown to law, corruption of the ballot lowers and taints the public morals—compels the full

snrrender of all places of honor or profit to those who are not only rich, but nnscrnpnlons—demoralizes and nearly reduces to serfdom a portion of the poorer class, by the offer of almost irresistable temptations, exceeding in amount, frequently, the wages of weeks of hard labor for the performance of a single act, by which, through ignorance of the real issues of parties, no political principal is fairly determined by the corrupted voter. If the ignorant voter err, the distinction between right and wrong in the exercise of the franchise being so snbtly and delicately drawn, the State should, by plain enactment and rigid enforcement, compel a knowledge of salutary pnnishment.

The second article of our State constitution provides expressly that "the legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections."

In view of the great and acknowledged evil the corruption of our voting popnlation is working, I recommend the passage of a law disfranchising any person who may attempt to bribe, or bribe another, or be himself bribed—rendering either party to the offence a competent witness against the other, without incurring legal responsibility.

I also recommend that a corporation against which it shall be proven that money has been contributed for the election of any State or other officer, under our laws, shall forfeit its charter; and that all managing officers of such corporation, if residents of this State, shall be disfranchised, and if non-residents, they shall be rendered incapable of rendering any official act within our jurisdiction. If, added to these guards, and such others as your wisdom may suggest, it be made the specific duty of every grand jury to diligently inquire into the observance of this law, we may safely look for the fair correction of a most dangerous evil.

IMPERFECT LEGISLATION.

Since the publication of last session's laws, a question has arisen as to the actual passage of one of the number.

A decision of our highest court has declared inquiry as to the facts to be inadmissible in such a case, the legal presumption being that all acts published under authority, had been properly legislated upon.

Additional safeguards should be put about legislative acts, no doubt—but, none to be desired, will prove half so effective as the reading of each bill full and complete, as the constitution requires. At the last session of the legislature, more bills were presented for my approval during the last two days of the session, than were submitted in all the previous days of meeting.

Many of these bills, I have since been informed, were not subjected to a single reading in either House, but were passed by their title.

Desiring to assist in correcting a most dangerous practice in legislation, I shall feel it my duty hereafter to decline giving my approval to any bill that is finally passed upon its title—and, shall also feel compelled to withhold my signature from any private act passed upon during the last two days of the legislative session. Pursuing this course, the executive is permitted to return to the legislature such bills as fail to meet his approval, giving his reasons therefor. Under the pretent practice, not only one-half of the work of the session is left, but by far the most important portion, in the absolute control of the executive. It was never intended by the framers of our State constitution to lodge, by indirection even, such enormous powers with the executive, nor do I believe it a prudent custom to establish.

EMERGENCY—POWER TO EXECUTIVE.

Upon a recent occasion, two of the most important lines of railway in the State were rendered inoperative for many hours, because of different constructions put upon contracts by the respective managers of the railways concerned. It thus occurred that thousands of citizens of this and other States were most seriously incommoded, a public thoroughfare unlawfully closed, a large number of the employees of

the contending parties placed in imminent danger of collision, and a crowd of curious and uninterested persons brought in close proximity to danger.

It seemed to me that corporations who owed to the State their rights within it, also owed respect to the rights of its citizens, and that the continued omission for a long time to open a great line of travel, because some corporate advantage was to be lost or gained by such omission, was, in effect, an indignity to the Commonwealth, and a trespass upon the rights of citizens; added to this view, the danger to the public peace was considered more imminent than upon any occasion within the state for many years.

Although I failed to find specific authority within our laws for interference, I deemed it proper, in view of the circumstances narrated, to prepare to take temporary possession of so much of the works of the companies as should be necessary to open the lines of public travel, protect the general interest, and preserve the peace.

Notwithstanding this assumption of authority, scarcely justified in my mind, and dangerous in precedent, I believe that public opinion demanded and sustained the act. But the exercise of no extraordinary power should be left to the personal disposition or varying judgment of Executives. Where authority is proper to be exercised it should be clearly defined in its terms, and obligatory in its character. That no doubt may hereafter arise, should a similar emergency occur, I recommend such legislation as your honorable bodies may deem needful to protect the public interests in the future.

GENERAL LAWS.

Unnecessary and defective as much of the labor of legislation of late years has been, its general tendency has been to promote the interests of the Commonwealth. That the large amount of useless and pernicious legislation passed upon, has not been perverted to bad purposes, is rather due to a righteously interpreting judiciary, and wholesome public sentiment, than to any extraordinary care on the part of legislators.

Since my induction to office, no public evil has appealed to me more strongly for redress than the one of hasty, ill-considered, and worse than useless legislation. The desire to legislate upon every conceivable pretext, to encumber our statute books, and confuse our courts with interminable issues, seems inappeasable.

There is but one efficient remedy for such an evil, and that lies in the prompt adoption by your bodies of a system of general laws—simple in form, convenient and inexpensive in their operation, affording no reasonable pretext for special legislation. Where such legislation is had, it should be made to compensate the State fully for the cost and trouble incurred. It is difficult to conceive why any man, or body of men, should receive special grants or favors from the Legislature, that are not equally free to all other men, or bodies of men. If in earlier days the protective policy that special legislation represents, was necessary to foster enterprise, no such reasoning holds good now.

Capital can only properly demand that it shall not be legislated against; for the rest, like individual labor, it must take its chances.

An evil long felt, and now becoming almost unendurable, is the lobby system, mainly the offspring of special legislation. The system fathers a class of shrewd men, who, zealous of success, resort to means first questioned, next accepted, and thus becoming blunted to quick perception of right and wrong, these men, in turn, attempt to pervert the minds of others, and they the law makers. With special legislation, as an occasional act, this whole system would naturally die.

A code of general laws has been prepared by direction of your predecessors; and, though your honorable bodies may not concur in all the suggestions therein contained, you will not fail to find abundant material from which to adopt one desirable in character, and beneficial in results.

May I urge upon your early attention to this important subject? The work is so far prepared, as to enable you to consider its adoption, from the opening of your sessions.

CONSTITUTIONAL AMENDMENT.

Since my last annual message, an Amendment to the Federal Constitution has been declared adopted, which forbids the exclusion of any person from the privilege of suffrage on account of race, color, or previous condition of servitude. This important issue being thus decided, it is not probable it will again become a matter of serious political controversy. The courts are not likely to unsettle the present status by any decision of theirs; nor is it probable any political organization will deem it proper or politic to attempt the subversion of the principle adopted by recourse to the prescribed and difficult constitutional mode. However sincerely, therefore, any portion of our people may have opposed the suffrage amendment, or with whatever misgiving they look to the exercise of the privilege by the colored race, the fact remains that these people are voters —accepted as such—and will, through their numbers, continue to exercise a considerable influence upon the welfare of the State. That statesmanship has ever seemed wisest to me, that, accepting the inevitable, aimed with practical purpose to turn existing facts to the State's best advantage.

Politically, no advantage is ever obtained by useless protests against accepted facts. What was obligatory, earnest and dignified, pending the decision of a great issue, becomes puerile once the question is passed from the limits of debate to the region of fact. Except as a portion of the political history of our government, from which we may take such warning or example as time and experience suggest, the recently declared suffrage amendment seems to preclue profitable discussions as to its merits. That its adoption brings no substantial political advantage to the colored race is manifest. Aside from the use of their numerical strength as voters, position is denied to the most capable of their number, by both political parties in the old free States.

Continued, this condition of affairs will demonstrate that

as a race they have simply passed from the wrongs of slavery to serfdom of party.

Public opinion, as recently expressed in States and localities, where the colored people are most numerous, gives no indication of an abatement of the proverbial antagonism of our races.

To insure the unity and prosperity of a nation, its people, possessing equal political rights, should be homogeneous. Failing in this essential, the addition of incongruous elements becomes a source of weakness. If the real strength of a government is to be found in the number of its electors, and suffrage is a natural right, and not a privilege bestowed by the state, there is a grievous wrong being done to that portion of our population, naturally the purest and best, who are excluded from voting on account of their sex. It seems to me there is no theory more dangerous to the stability of our government than that contained in the asserted right of suffrage; nor is there any stronger evidence of the weakness of the theory than is found in the illogical treatment by its advocates of the question of female suffrage.

I have stated that there seemed no diminution of the antagonism of the races. Notwithstanding the conviction I have that time will not materially change this inbred feeling, it seems to me, now, the State counts the colored race as of her political power, that every generous instinct of our own race, as well as the dictates of sound public policy, points to just treatment of them, with a full recognition of all their rights under our laws. To the extent such a righteous policy will elevate them, the State is the gainer in every respect. To omit so much as the acknowledgment of the least of their rights, would render questionable our asserted superiority.

The extinction of slavery and the granting of suffrage to the colored race being accomplished, the public mind is turned to other practical questions too long held in abeyance by the superior interest these issues involved.

Undoubtedly a large majority of the American people

desire the extension of a full and complete amnesty to all who have been proscribed for political offences. No real peace will be possessed by the country till this desirable end is accomplished, nor is there any possible evil to be apprehended from its fulfilment, comparable to the continnance of a policy which renders alien a large, influential, and intelligent body of men, once American citizens.

The great depression existing among mercantile, manufacturing, and other interests, touching in many instances our own people most nearly, should command the attention of our legislators, State and federal.

The supremacy of this or that political party becomes secondary to the public mind, when from any cause the general prosperity of the country is impeded. The general depression prevailing, with the consequent steady diminution of all values will compel the political power, hoping for snpremacy in the future, to recognize the urgent demand from all quarters for greater economy in the administration of the affairs of government, for the extinction of oppressive, expensive and illegal modes of taxation ; for a reform in civil administration by which competency and fidelity shall be the test and gnarantee of economy ; for a revision of tariff laws by which the greatest progress towards the principle of free trade can be had, compatible with our revenue necessities and the full payment of our national obligations.

The enormous grants of public land, upon one pretext and another, aside from the principle involved, demands a vigorous protest from all the States, touching, as these grants do, their residuary interest in them.

These and other urgent public demands are not, as in ordinary times, of a mere partisan character. They express at once the desire and the determination of a people, who, knowing their practicability and feeling their necessity, will place in power such as honestly recognize their importance, and labor for their fulfillment.

THEODORE F. RANDOLPH,
Governor.

VETO MESSAGE

ON

SENATE BILL NO. 141,

ENTITLED,

A FURTHER SUPPLEMENT TO "AN ACT TO INCORPORATE A COMPANY TO FORM AN ARTIFICIAL NAVIGATION BETWEEN THE PASSAIC AND DELAWARE RIVERS,"

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, February 28th, 1871.

To the Senate:

I return, without my approval, Senate bill No. 141, entitled "A further supplement to 'An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers,'" passed December thirty-first, one thousand eight hundred and twenty-four.

Under the bill returned to you, it is proposed to legalize any lease a majority of the preferred or minority stockholders of the Morris Canal Company may assent to, without any consultation with, or consent obtained from the majority of the common stockholders. If it be answered that the value of the preferred stock represents a majority of the whole of the present value—so much the greater need of protection to the remnant of value left the common stockholders.

There is no propriety or justice, in my opinion, in excluding the common stockholders from a voice in the transfer of a property, in the value and management of which they have equal rights and interests, during solvency, with any other class of stock or bondholders.

I doubt if the Legislature possesses the power to take the property of one set of stockholders, without their consent, and transfer its use or management at the behest of a majority of another, and in numbers inferior, set of stockholders, because the latter class may find their interests subserved thereby.

No proper provision is made in the bill, against the aban-

donment of the canal, for purposes of transportation, for penalties in the event of the lease permitting it to become useless as a canal, for compensation to property owners very numerous, and having large values dependent on its use as a transporting medium.

It may not be the purpose of the managers to permit the canal to become less useful to the citizens of our State, but rather to increase its benefits, by using its surplus waters to supply our needing cities and villages. If this be so, no harm can come from provisions of a positive character, under which not only all of the stockholders shall have a voice in any lease to be effected, but property owners on the line of the canal shall be made to feel secure, and the transporting public assured in their continuance of one of the most important, as well as one of the cheapest and longest used modes of transporting to and through the State, of the necessaries of life, comfort and convenience.

In addition to the foregoing objections, I must decline my approval of the bill, as being in conflict with that clause of the Constitution of the State, which provides that "individuals or private corporations shall not be authorized to *take* private property for public use, without just compensation *first* made to the owners."

The stock of a corporation is "private property," and if passed over to third parties, and for other purposes than those contemplated by the original charter, and without their consent, express or implied, the property, it seems to me, is "*taken*" within the sense of the constitutional provision.

For this *taking*, the stockholder is entitled to "just compensation," and it is to be "*first* made" to him—not, as this bill provides, "immediately prior to such lease," or, under certain conditions, within "three months after"—but absolutely before such transfer can lawfully take place.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Veto sustained.

VETO MESSAGE

ON

ASSMBLY BILL NO. 34,

ENTITLED,

"AN ACT TO INCORPORATE THE MARINE AND INLAND TELEGRAPH COMPANY."

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 15th, 1871.

To the House of Assembly:

Assembly Bill, No. 34, "An Act to incorporate the Marine and Inland Telegraph Co.," being submitted to me, I have deemed it proper to withhold my approval, and return the bill with these objections: Under the provisions of section 3d, it is enacted "That the said corporation shall have power to purchase, make, *use* and maintain any connecting or side lines." Now, the power to *use* any connecting or side lines (even those of railway companies used for protecting life and property), with no provision for compensation first made to the owner of such lines, is manifestly unconstitutional, and in direct conflict with article 4, section 7, of that instrument, which declares "individual or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners."

Section 2d of the bill returned provides that the capital stock of the company shall be $550,000, and shall be capable of increase without any limitation in amount being named. This is probably an oversight, but needs correction or limitation. The same section (second) authorizes the company to affect a union with any other persons or corporations in or out of the State, change its name, and make such other persons or corporations a corporation of this State—a most unusual if not improper proceeding. In

effect, legislative power is given to a corporation or creature of the State, to use for its own benefit, or for the benefit of the people or corporation of a foreign state, the entire privilege of the bill, the whole proceeding being reduced to the simplicity of a vote of the directors, and filing of an agreement in the State Department. Did the Legislature intend such delegation of its powers?

Heretofore the erection of telegraph companies within this State has depended upon their being able to agree with the municipal authorities of the cities and towns, and the owners of land upon which their constructions were to be placed, and this necessity upon the part of telegraph companies seemed a proper one to put upon them. Else they would have power to construct their works in cities and towns on public streets at inconvenient, dangerous or damaging places, or they could place them, if they chose, in close proximity to costly edifices, private entrances, public parks or ornamental grounds, which might be defaced by their unsightliness—the company's own views of economy, or disposition to bring property owners to terms, alone guiding them.

Under section 6 the bill returned permits the corporation to enter in upon and occupy any land necessary to the erection of telegraph poles, wires, &c., and upon any place they may select. Failing to agree with the owners of the land, they may obtain it by appraisement.

Now, it is manifest that the few feet of land needed for post erections, &c., will never be appraised in any just proportion to the damage such structures may inflict, and there is nothing in the bill that permits the commissioners appraising to assess construction damages—only the land is to be valued. As to municipal authorities, they are entirely disregarded by the bill returned, and should it become a law, they possess no authority to stop the construction through public places or streets less convenient than others, or prevent the erection of poles, &c., at points dangerous, unsuitable, or damaging to private interests.

Unlike railroad grants, which provide that a survey or

map of the route shall first be filed in the office of the Secretary of State, this bill has no such provision. It gives a roving commission to perform its work within and through sixteen of the twenty-one counties of the State, and they the most populous. It is undoubtedly as much to the public interests that competing lines of telegraph should be erected, as that competing lines of travel should be induced and protected; but this can be had, I submit, without jeopardizing, as I think the provisions of this bill do, private interests and property that rightfully rest upon legislation for protection.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Veto sustained.

VETO MESSAGE

ON

SENATE BILL NO. 240,

ENTITLED,

"AN ACT TO INCORPORATE THE OCEANIC YACHT CLUB OF JERSEY CITY."

VETO MESSAGE.

EXECUTIVE CHAMBER,
March 15, 1871.

To the Senate:

I return the Senate, without my approval, Senate Bill, No. 240, entitled "An act to incorporate the Oceanic Yacht Club, of Jersey City."

I do this with the more reluctance, from the fact that the title of the bill seems to indicate that the purpose of it is both innocent and laudable. But a whole section is devoted to the declaration of the objects of the bill, and those objects are of so extensive a character—being, besides the building, purchase and sailing of yachts, none less than the circulation and advancement of naval architecture, construction and science. That the subsequent power to construct such wharves, docks, and piers as may be deemed necessary to carry out the objects of this corporation, and to sell them, may result in setting up against the State a claim to a grant of lands under tide water, of unlimited extent at Jersey City.

These lands are exceedingly valuable, and it is of the last consequence that the State should throw no cloud upon its own title to the same.

A regard for the increasing revenue of the State from this source, induces me to return this bill without my approval.

Respectfully,

(Signed,) THEODORE F. RANDOLPH,

Governor.

Veto sustained.

SPECIAL MESSAGE

ON

The Exercise of the Veto Power.

SPECIAL MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 21, 1871.

To the Legislature:

I am constantly urged, by large numbers of our most respectable citizens, of both political parties, to interpose the executive prerogative of returning bills disapproved, and thus attempt to obtain a reconsideration of the action of the Legislature.

As the session draws to a close, the appeals of this description are most numerous and urgent, and coming as they do from our own fellow-citizens, whose good opinion it has been my highest ambition to deserve, I cannot refrain from expressing to you, and through you as representatives, to them, my views of the only safe and proper exercise—under our State Constitution—of the veto power.

It will be recollected:

First—That the power has to be exercised within five days from the presentation of a bill to the Executive, and the reason for its exercise submitted to the House in which the bill originated.

Second—That although both houses may have unanimously voted for a bill vetoed by the Governor, the "veto" is set aside, the objections overridden, and the bill made a law, despite the executive objections—if a mere *majority* of the members of both Houses decide.

I am thus particular in stating these facts, because of the popular notion that a two-thirds vote is required of the Legislature to set aside a veto. As I have shown, and as

your Honorable Bodies are aware, a much smaller vote than that usual in passing bills may override the Executive objection.

At the close of the session of your immediate predecessors, I was requested to withhold my signature from many legislative bills. Had I acted upon my personal disposition alone, and not upon my sense of official duty, restricted as it seemed to me to be, by clear constitutional limits, or by constitutional implication of duty, equally strong, I should in very many instances, have withheld my approval.

In March, 1860, the Collector of Jersey City having requested me to withhold my signature from a bill affecting the revenue of that city, I made answer to him, which gave then as it gives now, my views of the proper exercise of the veto power. I beg leave to quote a portion of it as follows :

" Upon assuming the duties of the Executive office, I determined to fulfil it according to my ability, in consonance with the letter and spirit of our form of government, using the ' veto ' power only in such cases as were clearly unconstitutional, where unintentional mistakes had been made, or where the ends of justice were clearly to be violated by Legislative contrivances, remote from, if not beyond judicial enquiry.

" For the *Executive* to debate questions of *expediency* with the Legislature, and constantly array his opinions and prerogative of ' veto ' against the expressed purpose of a majority of the Senate and House of Assembly, seemed to me antagonistic to the purpose of the authority under which I hold my office, and violative of the spirit of our form of government.

" So careful were the framers of our State Constitution that no real power of obstruction of Legislative will should rest with the Executive, that, as you are aware the ' veto ' of an Executive can be constitutionally overriden by a mere repetition of the same vote that originally passed a given bill, or even a less number, provided that number be a majority of each House.

" The theory of our State Constitution is, therefore, that majorities of the members of both houses best declare the will of the people in all cases, even after the Executive disapproves.

" From frequent remarks and written applications made to me, I fear this matter is not completely understood by all our people.

" If the fact is, as against the theory, that the people are not heard through a majority of their Legislative members, and, through improper influences, unjust and pernicious legislation is had, the responsibility is upon the electors who send them. and not upon the Executive, whose power over their action, as I have just indicated, is literally nothing.

"When the people of New Jersey, of all parties, select men for Legislative positions with reference to their integrity and capacity, and not for their temporary political availability, they will have bridged most of the dangers of bad legislation. For me to attempt its correction by the exercise of the 'veto' power when the Legislature is in session, is, as you perceive, a serious undertaking; and although I have been sustained by the Legislature in all my vetoes thus far, I attribute it chiefly to the fact that my objections were in all cases, partly at least, of a constitutional character.

"I have had in my hands, within the five days prior to the adjournment, nearly one-half of the entire legislation of the session, and the adjournment leaves all these acts subject alone to my official sanction, I do not propose to discuss the safety or propriety of Legislative action that permits such accumulation and its resulting power in the hands of the Executive.

"Of this great number of acts I deem it safe to say that a large per centage are contested upon the ground of public or private injustice, inexpediency, and the like, and I even deemed it within the scope of a legitimate exercise of my functions to *judicially* consider and decide upon such questions, the remainder of the year will be hardly long enough to make the adjudication. I am thus frank in the expression of my views, because I desire your authorities and others to appreciate my position under existing facts."

Acting upon the rule indicated in the preceding paragraphs, I have been enabled, thus far, to obtain the Legislative concurrence in every "veto" I have felt compelled to make.

Avoiding its repeated, irritating and useless exercise, the almost powerless prerogative has, thus far, I trust, been made of some service to this State.

The omission to exercise it will not be construed by sensible people, after this presentation of my view of official power and duty, as any personal endorsement of acts to which I append my signature, for the simple reason that only petty, irritating and undignified delay would come from vetoes, which the Legislature would finally make the laws over and in defiance of them.

I have signed very many acts that failed to commend themselves to my personal judgment, and shall no doubt sign many more of a similar character hereafter.

To the present Legislature is delegated the power of re-

districting the State, and of passing other acts political in their character.

A majority of your members are politically at variance with the Executive.

The absolute power lies within your bodies to make such laws upon these and other subjects as you deem fit, and it seems to me that, under any circumstances likely to occur, my objection, in "veto" form, to political legislation would be as unnecessary as futile.

The responsibility of Legislative action is upon the members of your bodies, and I do not propose, either by my silence or by my mere official—almost clerical—performance of duty, to share with you responsibilities which, as a member of either of your bodies, I have remonstrated against.

It will appear plain to you, from these views, that there need be no delay in bringing about an early adjournment if you so desire. Already the time has passed at which your predecessors adjourned, and, of nearly nine hundred bills presented for your consideration, only about three hundred have reached this department, leaving nearly two-thirds yet to be considered by me. As under the Constitution only a limited time is given me to sign or return the bills, my examination of those remaining must necessarily be brief and unsatisfactory.

I shall adhere to my resolve submitted in my annual Message to your Honorable bodies:

To refuse to sign any bill of a private character, passed during the last two days of the session: or to sign any bill that has not been read completely through, at least once in each House.

In the absence of proper information to the contrary, I shall assume the attestation of your officers as prima facie evidence of such reading having been had.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

VETO MESSAGE

ON

ASSEMBLY BILL NO. 38,

ENTITLED,

"AN ACT TO INCREASE THE SCHOOL FUND OF THIS STATE."

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 22, 1871.

To the House of Assembly:

I feel constrained to withhold my approval of Assembly Bill, No. 38, entitled "An Act to Increase the School Fund of this State."

Under the terms of this act, a large, and as yet indefinite, amount of money will be placed in a fund, from which, under the restrictions of the Constitution, no part of it can ever be withdrawn.

No matter what urgent public necessity may occur in the future requiring the means of the State, or disregarding the fact that the State is yet indebted to its bondholders nearly $2,000,000, this great amount of money is to be positively placed beyond the reach of recall.

Whilst the State is a debtor, and its already taxed citizens are seeking for relief from their burthens, I respectfully submit, it is scarcely just to our people—though it be generous to a most worthy object—to take away so large an amount from the general resources of the State, and from the State's ability to relieve taxation, as the positive appropriation of all future receipts from riparian sources would compel.

Aside from this equitable and prudent view of the matter, a much more serious objection may arise, should higher courts decide adversely to the State's claim of ownership to all lands under tide water.

Under such adverse decision—not anticipated it is true—the State would, in equity at least, be bound to pay back all

it had received from riparian owners. The amount thus required could not be withdrawn from the School Fund, where this bill proposes to place it, because the Constitution forbids any such action. The result would be, under such a condition of affairs, the levy of an oppressive and unexpected tax, or the State's dishonor.

When it is recollected that the State tax for the support of Public Schools for the present year, will amount to nearly one and a quarter millions of dollars, no plea of urgent necessity can be urged; and no excuse, it seems to me, can be fairly given against the exercise of abundant caution, even when so proper and popular a cause as that of education is involved.

Other objections may be urged against the appropriations of this bill:

The Trustees of the School Fund are not permanent officers; not selected as such primarily; but are only trustees in virtue of their several offices, as Governor, Treasurer, &c., &c.

The Commissioners of the Sinking Fund, in whose hands the riparian receipts properly go, are selected from both parties, are and ever will be, no doubt, of such high position as to fully secure the public confidence as to their custody and management of the State's great funds.

If, after the objections I have submitted, it is still the opinion of the Legislature that these large amounts, which the State will receive from riparian sources, should be placed within the school fund, I submit that the control of the moneys thus obtained should be placed in the hands of a commission of our best citizens, non-political in character, who are free from the liabilities of constant removal, which nearly all of the present trustees of the school fund are now subject to.

Respectfully,

THEO. F. RANDOLPH,
Governor.

VETO MESSAGE

ON

ASSEMBLY BILL NO. 29,

ENTITLED,

"A FURTHER SUPPLEMENT TO AN ACT ENTITLED 'AN ACT TO CREATE FROM THE TOWN OF BERGEN, IN THE COUNTY OF HUDSON, A NEW TOWNSHIP, TO BE CALLED THE TOWNSHIP OF GREENVILLE.'"

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 22, 1871.

To the Assembly:

I return Assembly Bill, No. 29, entitled "A Further Supplement to an act entitled 'An Act to Create from the Town of Bergen, in the County of Hudson, a new township, to be called the Township of Greenville,'" approved March 18th, 1863.

The purpose of this bill is to repeal several supplements to an act to create the town of Bergen, in the County of Hudson.

These supplements, I find to contain extraordinary grants of power to certain commissioners, and I do not deem it singular that restrictions and limitations, at least, should be sought to restrict their acts.

The bill which I return seems to me to be as extreme in its character, and as extraordinary in its provision, as those which it seeks to repeal. It gives power to "Examiners" designated, and they, it is represented to me, in part contestants at this time, in our courts, against the present commissioners. These Examiners are to have power to close streets already opened, and upon which buildings have been erected—making no legal provision for compensation to the owners of property for damages thus inflicted.

It is clear to my mind that the owner or owners of all property thus destroyed or damaged, have a clear constitutional right to demand and obtain compensation.

Under the authority of the present commission, contracts have been made (the evidence of which has been given me), and these are to be virtually set aside by the provisions of the bill returned, and no provision made for redress to the contractor, except it be claimed that the Examiners, under

the fifth section of the bill, *may* pay such amounts as they may deem "just and equitable."

It could scarcely have been the deliberate purpose of the Legislature to invest any persons, however worthy, with these judicial functions, especially when it is recollected that they are to act without any oath of office to faithfully perform their duties, and are under no bonds of any kind for any purpose noticed in the bill.

Section 4, of the act of 1870, provides for the issue of Bonds, and section 3, of the same act, provides for the issue of Improvement Certificates, and pledges the proceeds of the sale of said bonds for the redemption of the certificates. The bill returned repeals all these acts.

The ability of the commissioners to fulfil their contracts with persons accepting them in good faith, is thus utterly destroyed, and, as I construe it, violates in substance that provision of the Constitution which provides that no law shall be passed impairing the obligations of contracts.

It will be observed that at no point in the bill is there any provision for the payment of any claims other than such as these unsworn and unbound Examiners may agree upon, or for the levy of any tax upon the town, to meet claims against it, except the tax the Examiners may order and direct to be levied, should the treasurer of the town be out of funds.

Is not this power to order a tax put upon a whole community, an extraordinary one to place in the hands of any irresponsible body of men? To whom are they responsible for their acts, and what protection has the citizen against Commissions thus instituted?

However desirable it may be to remedy the provisions of previous enactments, I feel sure your Honorable Bodies will, upon reflection, concur with me, that more guarded legislation than the bill returned contains, is necessary to obtain the desired result.

Respectfully,

THEODORE F. RANDOLPH,

Governor.

Veto sustained.

VETO MESSAGE

ON

ASSEMBLY BILL NO. 224,

ENTITLED,

"AN ACT TO AUTHORIZE THE MAYOR AND ALDERMEN, OF THE CITY OF PATERSON, TO BORROW MONEY FOR THE PAYMENT OF EXISTING DEBTS AND LIABILITIES, AND ISSUE BONDS FOR THE SAME."

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 22, 1871.

To the House of Assembly:

Assembly Bill, No. 224, entitled "An Act to authorize the Mayor and Aldermen, of the city of Paterson, to borrow money for the payment of existing debts and liabilities, and issue bonds for the same," is herewith returned, the objection being that it provides for the issue of city bonds which shall be exempt, in the hands of holders, from STATE taxation.

I believe the uniform policy of the State has been to make all bonds liable to State taxation, save a portion of those issued by the Commonwealth for war purposes.

It would be manifestly unjust to make the city bonds of Paterson free from any tax made in behalf of the State, when the bonds of other cities, counties and townships of the State are left liable to such taxation.

In a degree, by reducing the amount of assessable property of one class of our citizens, and they bond purchasers and usually the most wealthy—all other citizens have an increased per centage of taxation to pay.

The Legislature, it is true, has relieved certain charitable and religious institutions from State taxation, and our people have not seriously objected thereto.

But a system of exemption from State taxation, of city and other local bonds, would, if made applicable to all such securities within our State, probably take away so large an amount from its taxable property, as to make the remaining portion bear an onerous and unjust burthen.

Respectfully,

THEO. F. RANDOLPH,

Veto sustained. *Governor.*

VETO MESSAGE

RELATING TO

"An Act to Re-Organize the Local Government of Jersey City."

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 23, 1871.

To the House of Assembly:

"An Act to Re-organize the Local Government of Jersey City," placed before me for approval, seems, by its provisions, to so completely put aside all semblance of local government, in the sense this term is usually applied, that it is an open question, at least, whether the bill should not be returned to your Honorable Body, as being in violation of that provision of the Constitution which declares that "Every law shall have but one object—*and that shall be expressed in its title.*"

I can scarcely conceive of an antagonism stronger than that existing between the title of this bill and the provisions contained within its sections. From the opening to the close, the provisions are of the most extraordinary character, the great and redeeming merit of the whole bill being that it recites in clear, nervous and unmistakable language its undoubted purpose to deprive the voters of Jersey City of all present opportunities of self-government, without their consent or approval being even asked, and against the remonstrances of many of its principal citizens. The bill, therefore, *is* meritorious, in that it makes no concealment of its object, and does not attempt to disguise its most unusual powers and purposes. Anti-republican in form—arbitrary in spirit and purpose, it can only be defended, if defensible at all, upon the ground that within the limits of Jersey City, at least, the principles of our forms of government—Federal, State and Municipal—are supposed to be valueless.

The singular fact is presented, of the Representatives of the people organizing, under color of Constitutional Law, commissions of men, appointed by themselves, to be masters over the liberties and property of the very people they were elected to be servants of. For it is just to this complexion these powers come—that the Senate and General Assembly of the State of New Jersey, elected to represent the people, and to maintain a Republican form of government, shall have the power to place over the people of the second city in the State, and the seventeenth city of the United States, a body of men, undesired, perhaps, by citizens at large, who shall exercise all the vital and essen- powers of local government.

It would not be more extraordinary—and I am not sure but the spirit of the whole bill is born of Congressional example—if the Federal Congress should decide that the members of your bodies were unfit representatives of your constituents, incapable of exercising the rights of electors, and, in sheer compassion for the people of New Jersey, appoint, by Congressional enactment, the members of our State Legislature.

It may be true that local representative government, as carried on in our large cities, is found to work unfortunately. I am prepared to believe almost any representation that may be made upon this head. So long, however, as we profess to believe that the true policy of government is to extend the privilege of the ballot to all men, regardless of their intelligence, interest or other qualification, just so long will we be faced by the dangers which legislation, like that I object to, seeks to obviate.

The plain and undoubted object of this and most other bills, delegating Municipal Powers to Legislative Commissioners, is to take away from the people, whom the Legislature is supposed to represent, all the essentials of power in local government, leaving only a shadowy semblance of authority to their constituents. Is there any comment upon the evils of universal suffrage more significant? So long as our State and Federal Constitutions provide for

and even continue to extend the privilege of suffrage, without any other qualification scarcely than that of manhood, the evils of an ill-regulated suffrage will continue to increase, and in no locality will its injuries be more keenly felt than in large cities, where vice, ignorance and corruption find their most facile tools.

As the case stands, the only true and effective remedy left for the industrious, well-meaning and thrifty citizens of our large cities, is that given them in the power to nominate and elect honest, suitable and intelligent representatives to their local boards and State Legislature.

Legislative Commissions, however constituted for good, are only pretended panaceas, at best; and, at worst, they will cure the ills by destroying the body. Political parties that insist upon nominating ignorant, corrupt or incompetent men as Representatives, can and should be taught the needed and salutary lessons that defeat is calculated to teach. Until citizens learn that it is a DUTY, as well as a privilege, to care for the nomination and election of honest Representatives, the wrongs they suffer will scarcely excite emotions beyond those of pity among the truer class of our people, who seek, by the election of proper men, and by the faithful administration of office, to elevate and dignify public positions.

It has been urged that a large proportion of the powers of the Commissioners named in the bill are already possessed by the present authorities of Jersey City. There will be found, upon comparison, many limitations, restrictions of power, and means of redress to the citizen in the present charter, that this bill omits. Aside from this view, however, the great and conclusive difference is that in one case powers are exercised by representatives directly from and of the people, and in the other case by persons in whose appointment, in the main, the people have not even been consulted.

But, extraordinary as are the powers sought to be conferred upon Commissioners, by the provisions of this bill, my reasons for its disapproval shall be founded—as I have

deemed it my duty to declare my disapprovals should be—mainly on Constitutional grounds

The sixteenth section of the bill provides that Commissioners of the Boards of the City Government shall have power to send for persons and papers, if such persons shall have papers that, *in the opinion of such Commission*, may be proper evidence in the case before them.

Article I, section 6, of the Constitution, provides; "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation," &c. The "reasonableness" of the demand for papers is to be decided by an almost irresponsible body of persons—not by a judicial tribunal. Under pretext of search for papers thus demanded, every private citizen may be liable to have his house ransacked. To meet this protective clause of the Constitution, the bill should provide that all papers required in evidence by municipal authorities, should be "particularly described," and the order for the search should also have judicial approval. Without this precaution, the Constitutional and sacred right of the citizen is liable to constant invasion and outrage.

A proviso of the forty-first section provides that when the line of a street to be opened, extended, widened, or otherwise changed, would bisect any building, the Commissioners may determine, as shall seem to them most just, to take either the whole of such building or so much thereof as stands upon the land required, or to require the owner or owners thereof to move it back from the line of improvement.

That it is proper to require the purchase of a whole building in cases where but a part of it is within the line of the land necessary for a public improvement, and to give the owner the privilege of removing it from out of the line of the improvement, to and upon the residue of his land, cannot be denied. But the right to *take* private property for public use extends no further than the public necessity. The Com-

missioners cannot lawfully be given the power to take the land not neeessary for the improvement, but it would be proper to give to the owner of a building partly taken, the privilege of requiring the Commissioners to purchase the residue, as well as the privilege of removing his building. The obligation should be upon the Commissioners—the privilege, that of the owner.

The forty-second section authorizes the exercise of a power that appears, so far as my information extends, never to have been exercised heretofore. It seems to be the reverse of the right of eminent domain, and instead of requiring the owner to yield his land, on compensation, for a public purpose, it forces upon him the obligation of purchasing land at a price to be fixed by Commissioners.

Here, too, at first sight, it would seem that there would be a propriety in giving, at a fair price, to an owner, cut off from the street, the land between him and the new street, or in the old street, but this cannot be done without violating the fundamental principle, that the Legislature cannot take the property of one man and give it to another, no matter what the compensation

Such adjustments as those contemplated by this section may appear convenient, but the power is dangerous and inadmissible, and, I think, has never been exercised under any form of goverment, however despotic.

But another principle is violated; the compensation to which a party, whose land is taken, is entitled, is *money*, not land, and this section requires the owner to take *land*, as a part of the compensation in cases where one part of the land is within the line of the improvements, and a part of the land of another is thrown between any portion of the remaining land and the new street.

The last clause of the fifty-second section provides that *any* improvement may be made by the Board of Public Works, at *any* time, if the cost of it is partially paid by the city, notwithstanding any remonstrance or objection that may be made against such improvement, and "*notwithstanding any other provision in the whole act contained.*" This

power is unlimited, and expressed in language so sharp and vigorous that but one conclusion can be drawn from it—the Board of Public Works is to have unlimited power over the property of the citizen, and not a single guard provided in any other case by any other portion of the act, is to limit or control it. Neither compensation for property taken, nor a right to be heard against the measure in its inception, or through its whole course, is provided for. I think I would be recreant to my duty as an officer, to whose approval the grant of such a power is subject, if I did not unhesitatingly refuse it.

The sixty-first section sets aside assessments already made, so far as they remain uncollected, and, besides being unjust to those who have paid, I find here the exercise of a power that is judicial, and not legislative in its character,—in direct violation of the Constitution, which prescribes that the powers of one department of the government shall not be exercised by another. There have, I think, been cases where the Legislature has done something of this nature, but it has been with the consent of all parties, either expressed in the act, or known to be applied for.

The sixty-fourth section grants the land of the State under water, to an unlimited extent, or, at least, to the extent that may be necessary to carry out *any* of the powers given by *any* part of this act. It also permits the vacation of South street—a street one hundred feet wide—and this at the mere discretion of the Board, without giving any notice, or being subject to a single restriction that is imposed upon the vacation of any other street in the city. The consequences to private property are ignored, and no compensation to any one injured is contemplated. The vacation of this street, I am informed, would place the entire property thus vacated in possession of private corporations—one of them now leased to a foreign corporation.

The sixty-sixth section enacts that no *certiorari* shall be granted or allowed to stay any proceedings (except the collection of the final assessment), for any street or sewer im-

provement, unless the writ be allowed before the filing with the City Clerk of a copy of the resolution for the payment of awards, or before the making of the contract. The rapidity with which the proceedings are authorized and the informal manner in which they are to be conducted is such that parties have hardly time to retain counsel and investigate errors or frauds in the proceedings, before the time in which the *certiorari* is to be brought will expire. This writ has of late been found so efficacious for detection of fraud and the protection of the citizen, that every restriction upon its allowance should be gravely considered. It seems to me this taking away of a great remedial writ is endangering property, and is to the last degree pernicious.

The one hundred and third section, after giving to the policemen the powers of constables, authorizes them to convey, to and from the county jail and work-house, all prisoners who may be ordered to be so conveyed by any police justice or any justice of the peace. It seems to me, that a power of doing these acts without requiring a warrant, in addition to the power of doing these same acts under the authority of a legal warrant, is an encroachment on the liberty of the citizen hard to be borne by freemen.

The one hundred and seventh section, by implication, confers a power on the police to seize upon property, not stolen, but simply "improperly detained," or "*suspected* to be improperly detained," and expressly makes the chief of police the custodian of such property, and directs the sale of it, and the deposit of the proceeds in the city treasury.

Section one hundred and ten defines the power of the police justices, and provides, that where the penalty of crime shall be imprisonment, the trial *may* be by jury. The constitution expressly declares, that "the RIGHT of trial by jury shall remain inviolate." I am aware of the modern process of avoiding this Constitutional right of the citizen, by considering his omission to demand it a tacit waiver of its privileges. I have seriously questioned the right of any

citizen to waive so needful a protection to liberty, or the acceptance by our courts of such a waiver; but if it is to be yielded as a matter of convenience to our courts, or to the end that justice may be promptly administered, a provision should be inserted by which the prisoner should, in all cases, be made aware of his Constitutional rights.

The same section (one hundred and ten) of the bill empowers the justices, should the criminal be a minor, to inflict, commute or wholly remit the penalty prescribed for the offence. This section fails to name the period of time wherein such justices may exercise these powers of commutation or pardon, and it is possible, though not probable, they might attempt to do so after imprisonment. As such power is lodged solely in the Court of Pardons, under the Constitution, the limit of its attempted exercise should be clearly stated in the bill, that being after the trial and before the sentence.

Section one hundred and thirty-one provides, that the bonds of the city shall be relieved from STATE taxation. I consider this inadmissable, and have given my reasons therefor in the Veto Message of Assembly bill No. 214, sent to your Bodies on the 22d instant.

Section one hundred and thirty-three permits the Board of Finance to deposit the funds of the city in *any* bank now existing in Jersey City. For obvious reasons this provision should restrict the custody of these funds to banks authorized by the laws of this State or the United States.

The one hundred and fortieth section withdraws from the holders of bonds issued for war purposes, the pledge of property in the city, and impairs the obligations of the bonds, to the injury of public credit, and in direct violation of the Constitution.

My effort has been to call your attention to some of the most glaring objections to the bill submitted for my approval. Unquestionably, other objections will arise to your minds as you reconsider all of its provisions.

As stated by me in recent messages, the time given for

careful consideration of bills, and arrangement of objections thereto, if any, is entirely too limited. My purpose will be accomplished, however, if my hurriedly considered and stated objections obtain the consideration at your hands I hope their importance deserves.

Respectfully,

THEO. F. RANDOLPH,
Governor.

Bill passed over veto by strict party vote.
Yeas— ———
Nays— ———

SPECIAL MESSAGE

ON

THE BRIBERY LAW.

SPECIAL MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 29th, 1871.

To the House of Assembly:

I had the honor to submit, among other recommendations, in my annual message, one with reference to the elective franchise; and inasmuch as the legislation therein recommended has not yet been finally acted upon by your body, I trust that the great importance of the measure recommended will be sufficient reason for renewing my appeal to you for action.

In the annual message I said:

"I earnestly urge upon your attention such amendments to existing election laws as will tend to secure at the ballot-box a pure and free expression of the public will. Our present laws are almost a dead letter. Members of both political parties have probably rendered themselves so liable to legal penalties, that, as if by common consent, no prosecutions are had. The evils which flow from the corruption of the ballot can scarcely be exaggerated. Insidious in their nature, they are working far more dangers to the government than foreign or internal strife have ever accomplished. By disrespect shown to law, corruption of the ballot lowers and taints the public morals—compels the full surrender of all places of honor or profit to those who are not only rich, but unscrupulous—demoralizes and nearly reduces to serfdom a portion of the poorer class, by the offer of almost irresistible temptations, exceeding in amount, frequently, the wages of weeks of hard labor for the performance of a single act, by which, through ignorance of the real issues of parties, no political principle is fairly determined by the corrupted voter. If the ignorant voter err, the distinction between right and wrong in the exercise of the franchise being so subtly and delicately drawn, the State should, by plain enactment and rigid enforcement, compel a knowledge by salutary punishment.

"The second article of our State Constitution provides expressly that 'the Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.'

"In view of the great and acknowledged evil the corruption of our voting population is working, I recommend the passage, of a law disfranchising any person who may attempt to bribe, or bribe another, or be himself bribed—rendering either party to the offence a competent witness against the other, without incurring legal responsibility.

"I also recommend that a corporation against which it shall be proven that money has been contributed for the election of any State or other officer, under our laws, shall forfeit its charter; and that all managing officers of such corporation, if residents of this State, shall be disfranchised, and if non-residents, they shall be rendered incapable of rendering any official act within our jurisdiction."

To these opinions and recommendations I may add, as the result of many communications to me upon the subject, that the obligation of each Grand Jury to inquire into the matter of bribery at elections, should be made *imperative*, and constitute their first duty, so that citizens may know precisely when and where to render complaint. If, as I regard it, the life of the State is involved in the purity of the elections, no other duty of the Grand Inquest can be so important.

The greatest danger to executive or legislative independence lies in the rapidly growing power of corporations.

In every direction, corporate power extends itself; and it is safe to say that a larger proportion of legislation, State and Federal, is being controlled or guided by their powerful influence than by any other means.

The fact is too notorious for exemplification.

Whatever means, then, the State has left to protect itself from the danger of such a condition of affairs, cannot be too promptly or effectually used.

It is no answer to say that many of these corporations—especially those of our own State—are managed by some of our most exemplary citizens.

The truth is, the citizens of integrity and virtue, in whom all are willing to confide, in their private capacity, as corporators and directors, too often become anxious to leave their

official consciences in the keeping of men whose pliant sense of right seems to better subserve the corporate need.

Under the plea of "necessity," additional corporate power is constantly sought and obtained; and just in proportion as the demands are granted, do greater ones present themselves.

It is an axiom, trite as true, that Power, once possessed, ever seeks to manifest itself; and thus, in corporate possession—when it has filled its own wants, it turns its restless energies to tamper with, and too often successfully, the affairs of State.

No absolute cure, perhaps, can now be had for this condition of public affairs, but the evil may be largely arrested if our legislators shall be elected without the assistance of corporations, and take their positions, primarily at least as independent men.

I am glad to be assured that the better class of our corporate managers desire to be compelled, by stringent laws, to observe a strict neutrality in the election of officers of State. The burthen of assisting in political contests has become most onerous to them, and wrongful to the stockholders whom they represent. Under a liberal system of legislative grants, which, from self interest, the State is now sure to give, corporations can ever feel assured of all the privileges and protection needed. Less than these, they should not need: more, they should not obtain.

From the poor, honest and intelligent class of our citizens the necessity for laws that will permit their possession of office, the demand has become imperative.

From the wealthier class, who largely bear the burthen of taxation, the need is strongly urged; and from the State, whose honor, prosperity and perpetuity is grounded upon the virtue of its law-makers and administrators, there can be but one response.

I know it is the fashion of the day to consider such legislation as I recommend as Utopian in character and useless in attempt. I am not willing to believe that the effort will be fruitless, or that the great body of Jerseymen will not

promptly second any attempt your legislature will permit, to stay the course of an evil, seen and acknowledged by all, and which, permitted to go unrestrained, will be certain to bring shame and disaster to the Commonwealth.

The well meaning people of the State, of all political parties, require, and should have, this much at your hands; and it will be no proper answer, in my opinion, to say that the pending bill is incomplete, or may fail to accomplish the desired purpose. It aims in the right direction, and I hazard little in saying that with our admirable judiciary to administer it, more usefulness will be found in its practical operation than may be found comfortable by that large class of men who are even now grasping political power in the State, through corrupting influences.

Respectfully,

THEO. F. RANDOLPH,
Governor.

Recommendation adopted.

VETO MESSAGE

ON

Senate Bill No. 352, and Assembly Bill No. 423,

ENTITLED,

"A FURTHER SUPPLEMENT TO THE ACT ENTITLED 'AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF NEWARK.'"

VETO MESSAGE.

EXECUTIVE CHAMBER,
TRENTON, March 29th, 1871.

To the Legislature:

Senate Bill No. 352, and Assembly Bill No. 423, both entitled "A Further Supplement to the Act entitled 'An Act to revise and amend the Charter of the City of Newark,'" approved March 11th, 1857, are herewith returned without my approval.

Among the objections urged by me against the Jersey City Charter was that which provides that the Commissioners should have power to take all the house—that needed for the opening of the street as well as that remaining—when, in opening a street, a building should be bisected.

I contended:

"That it was proper to require the purchase of a whole building in cases where a part of it is within the line of the land necessary for a public improvement, and to give the owner the privilege of removing it from out of the line of the improvement to and upon the residue of his land cannot be denied.

"But the right to *take* private property for public use extends no farther than the public necessity. The Commissioners cannot lawfully be given the power to take the land not necessary for the improvement; but it would be proper to give to the owner of a building partly taken the privilege of requiring the Commissioners to purchase the residue as well as the privilege of removing the building. The obligation should be upon the Commissioners—the privilege that of the owner."

Now the bills returned to your Honorable Bodies are even more objectionable as to these powers granted Commissioners than was the Jersey City Charter.

Assembly Bill, No. 423, gives power to the "Fair street" Commissioners to take an area of land beyond the public necessity, and far beyond that required for the improvement.

It also provides that the land thus taken beyond the public need may be disposed of at public or *private* sale, as the Commissioners deem most expedient.

This certainly is a most convenient and prompt method of disposing of property illegally seized at first, and paid for by the citizens or the corporation afterwards, and finally placed in the hands of Commissioners to sell at public or *private* sale to whom they please and upon terms deemed proper by them.

Senate Bill, No. 252, provides that whenever Commissioners, appointed by the Common Council, "shall find it necessary or expedient to estimate and assess full valuation for the *whole* of any lot, tract and parcel of the lands and real estate of any such owner or owners, including any such gores, strips or portions of said lot, tract or parcel of said lands and real estate, adjoining the line of said street, road, highway or alley, public park or square, said Commissioners shall have the power to *condemn the whole of said lot*, tract or parcel of said lands and real estate, including said gores, strips or portions adjoining the lines of said street, road, highway or alley, public park or square, and such owner or owners *shall*, upon the payment of the amount of said assessment, execute and deliver to the city a good and sufficient conveyance of the whole of said lot, tract or parcel of lands and real estate, including such gores, strips or portions adjoining the line of said street, road, highway or alley, public park or square."

Aside from the constitutional objection urged against these bills, it would seem to be but just that whenever private property has, for public purposes, to be entered upon and "taken," whatever may remain of it, should be enjoyed

by the owner as to occupancy or benefit of sale. Certainly, the citizens of Newark do not desire, in addition to the powers of Council of opening new streets, that of condemning all property that happens to lie contiguous to such improvements.

The inducements for Council to make "Improvements"—now perhaps sufficiently strong—would be increased very largely, when within the ordinary temptations such "Improvements" always engender; there lies the elements of a Real Estate Speculation requiring no capital, and no very great amount of talent.

Respectfully,

THEO. F. RANDOLPH,
Governor.

Veto sustained

ANNUAL MESSAGE

To the Legislature, Session of 1872.

ANNUAL MESSAGE.

To the Senate and General Assembly of the State of New Jersey:

With the transmission of this message, my duties as the Chief Magistrate of New Jersey practically cease.

To the people of the State, irrespective of political sympathies—to the officers of government in all departments, I owe, and desire to express my sincere gratitude for their unvarying forbearance toward me, and generous support of most of my official acts.

In surrendering the duties of my office to one whose administration in former years testifies his fitness for present duty, I desire to say that, in my judgment, the compensation of the Governor of this State is entirely inadequate to the service performed, or the necessary expenses incurred in maintaining the proprieties and dignities of the office. I therefore recommend that a law be passed before my successor is sworn in office, which shall increase the salary of the Governor to an amount equal, at least, to that of the highest judicial officer of the State. This done, with the principal residence of the Executive fixed at the Capital, no occupation of his time in any other employment would be necessary. Were it deemed advisable to amend the State Constitution, I should also favor a more liberal compensation to members of the Legislature than they now receive. All members of the State government have a more diversified and larger care than falls upon officers of many of the more extensive and populous Commonwealths. Our shores receive and send away a commerce scarcely second to any—our railway system has really become the culmination of

that of a vast continent—our agricultural thrift is so great that the average value of land in New Jersey exceeds that of any State—our mechanic arts show the production of values beyond most other American communities—our proximity to the great markets insures prompt sale to our commodities—our growth in population exceeds that of any Atlantic State—our institutions of education are known the world over—our children are as liberally and universally educated at the public cost, as in any other State—and our general prosperity may be best measured by repeating the fact, that our contributions toward the support of the Federal government exceeds, pro-ratably, that of any of the State, save one, perhaps. Such interests and opportunities needs faithful and efficient officers of state, to protect and foster them. Mean compensation will preclude among the very best of our citizens from holding offices of trust and honor—because of their poverty. It is not the interest of the State to force the poor from competition for her highest gifts, and leave them to the ambition of her wealthy citizens alone.

If we add to the peculiar advantages enumerated or known, the conspicuous one that under our admirable judiciary, the amplest security known to law is given to life and property, there seems no reasonable limit to our prosperity as a Commonwealth—so we but guard the avenues of mere adventurers and creatures of political chance on the one hand, and invite, by liberal provision, intelligent and honest men on the other.

FINANCIAL.

The financial condition of the State is excellent. Its income for the year has been :

From the State fund,.....	$868,832 81
From war fund,.....	380,958 45
From school fund,.....	187,214 27
From agricultural college fund,.....	6,960 00
From other sources,.....	1,550 00
Balance November 1, 1870,.....	55,804 42
Total,.....	$1,501,319 95

The sources of receipt, as to the State fund, have been:

From United Companies, taxes, dividends and interest,	$357,842 60
From Morris and Essex Railroad Company,	116,500 00
From Central Railroad Company,	50,637 02
From all other railroad companies,	44,845 84
From riparian sources,	29,000 00
From U. S. Government, (old claims),	56,264 05
From State taxes,	189,876 79
From other sources,	23,766 51
Total,	$868,832 81

It will be observed that over one-half of the entire receipts of the State fund come from imposts but upon two railway companies. Their capital constitutes a smaller portion of the entire railway capital of the State, yet contributes of revenue as stated. There is so manifest an inequality in the operation of the laws under which revenue to the State is levied from its railway corporations, that a thorough revision of them is recommended.

It will be recollected that in most instances, the charters of our railway companies release their property from local taxation, upon the presumption that adequate compensation for the local loss is had by a full payment of taxes to the State. Practically, most railway companies receiving the protection of the laws, State, county and municipal, yield little of direct relief to our heavily burdened tax-payers.

The State has received from the general government during the year past, the additional sum of $55,264.05, on account of war claims rejected. The total amount of these claims collected during my term, mainly through the zeal and fidelity of Quartermaster General Perrine, is $147,800. They had, in the main, been considered lost to the State.

The State tax collected, though larger than usual, cannot be safely intermitted the coming year, inasmuch as the needful appropriations for the State House completion, the Northern Asylum and the Reform Schools will require large additions.

At this point, it may not be improper to say, that the appropriation of your predecessors for re-constructing the State House was found entirely inadequate, and I fully concurred with the commissioners in taking the responsibility of expending a large additional amount, the ultimate economy and benefit of which expenditure, I trust, will be manifest to the members of your honorable bodies; who, with the courts and State officers, will now have commodious, convenient and healthful accommodations.

The expenditures from the State fund ($801,618.34) are of the usual character, save as to an item or two.

The new wing of the State Prison has cost $122,000 thus far, but it is practically finished, and probably has no superior in the country, as regards construction, convenience and safety.

The public printing for the year past has cost over eighty-two thousand dollars, an amount in excess of the cost of conducting the entire government at one time. In its expensiveness it stands superior to any item of State expenditure. In a portion of its results, it is the most unsatisfactory and meagre. The manner of publishing the legislative journals and other documents is discreditable—aside from the great wrong done our tax-payers pecuniarily, the books are most clumsily issued.

It is due to truth to say, that the evil is the result of an acquiescence, by both political parties, in this mode of rewarding political services. That it is not strictly right, all men know, and that the public mind is keenly alive to all misuse of the public moneys, no one can mistake.

The delay in rectifying this public wrong, to which I called attention under circumstances where my political associates were being benefitted, should no longer exist. A false courtesy has restrained many of our leading journalists from exposing the wrong, because some of their brotherhood were the recipients of the benefits. But the day has come when they who would be the conservators of public virtue, must themselves practice it.

The receipts of the War Fund have been $382,025.95 for

the year, derived from taxation, save $58,985.45 received from the general government on account of claims allowed.

Disbursements from this fund have been made to the Home for Soldiers' Children, say, $41,000; to Home for Disabled Soldiers, $38,000; and to State Military, $20,000. These sums, with $277,000 paid to the Sinking Fund, constitute the principal expenditures.

The outstanding bonds of the State are $2,896,200. The assets of the State, of one description and another, are quite sufficient to extinguish these bonds, if they could be purchased at their par value. I adhere to my previous expression, that the expenditure in behalf of the Home for Disabled Soldiers is less productive of good than is generally supposed, and I recommend its affairs to your consideration As a rule, our better invalid soldiers do not receive its benefits, and the poorer ones get a questionable service.

SINKING FUND.

The report of the Commissioners of the Sinking Fund shows assets amounting to $1,183,112.16. If to this be added the assets of other State funds, the total indebtedness of the State could be paid at once. The receipts of the fund for the year have been $381,754.93. The high character of the commissioners guarantees its safe and economical management.

LEASE OF PROPERTY OF JOINT COMPANIES.

During the year the most valuable and extensive railway properties existing in New Jersey, those of the Joint Companies, have been leased to the Pennsylvania Railway Company.

The State having by legislation given its consent to such a lease being effected, no opinion or action as to the policy of the lease became necessary or pertinent upon the part of its officers.

I deem it of immense value to the State that its right of

redemption in the great properties leased shall in no manner be lessened. Whilst we should not, at any time, favor the conduct of the affairs of private corporations by State officials, we ought not to lessen our possession of a right that in time will have a marketable value worth millions.

EDUCATIONAL.

The people of New Jersey have contributed, by local and State taxation, for the support of their public schools, during the past year, the amount of two millions three hundred and seventy-five thousand dollars ($2,375,000), equal to about two and one-half dollars to each person resident of the State. The total number of children of school-age, is two hundred and sixty-five thousand nine hundred and fifty-eight (265,958), and of these, the average number attending the public schools is one hundred and seventy thousand (170,000.)

Thus, the taxation practically amounts to about fifteen dollars for each child receiving any portion of the benefits of the school moneys.

So large an aggregate sum taken from our tax-payers, for a single object, demonstrates the degree of interest in a cause so commendable. But, in my judgment, we have reached the full limit of our present responsibility, in contributing as liberally as we have, and in perfecting a system by which our means may be rendered most serviceable.

Whatever defects exist under the present system—and they cannot be many nor great—favorably measured, as that system is, by contrast with those of the most enlightened States, these defects are sure to be pointed out by the very intelligent body of gentlemen, appointed under legislative authority during the past year, to report upon educational matters.

The statistics show that of twenty-nine hundred and thirty-one teachers employed, nine hundred and fifty-two are males, with average salaries of $57.34 per month, and nineteen hundred and seventy-nine are females, with salaries equal to $32.43 per month. The school property is

valued at $4,246,000. Sixty-five per cent. of the children of the State attend the public schools, thirteen per cent. attend private schools, and twenty-two per cent. are reported as attending no school at all.

The percentage attending the public schools for ten months is only nine; for eight months and over, fourteen; for six months and over, seventeen; and of those attending less than four months the percentage reaches forty.

Of children cared for at the public schools, the attendance shows an average of about fifty per cent., so that, in point of fact, our disbursement of two and a half millions of dollars is made equal to the full tuition of, say, eighty-five thousand children.

It is exceedingly difficult to suggest a proper remedy for the defective attendance at our public schools. The compulsory system is, in my judgment, antagonistic to the spirit of our form of government; and, however beneficially it may have been enforced under monarchical form, it can only be engrafted upon ours with difficulty and danger. We must, probably, bear for the time the deprivations and losses ever incident to popularizing never-so-good a cause, trusting to the rapidly-growing intelligence of the people, to take advantage of the now partially neglected opportunities of education.

Better such temporary loss than confer upon the State a power that will almost inevitably precede the more inquisitorial guardianship, and more dangerous encroachments, as regards individual affairs. Individual duties and personal rights are, in the main, so intimately interwoven, that the care by the State of the one, is but the concession, by the citizen, of the other.

The affairs of the State Normal School, and of the Farnum School, continue to be conducted with economy and sagacity. Our system of public instruction makes the demand for well and methodically trained teachers a constant one, and these preparatory institutions of the State supply this need.

Altogether, it is no exaggeration to say that the public

school system of New Jersey is as complete, and as generously supported, as that of any State in the Union.

MILITIA.

At no time within the history of the State has its military arm been more efficiently organized than at present.

Upon several occasions during my administration opportunity has been afforded to test the promptness and efficiency of our citizen soldiery, and, in every instance, the response has been most satisfactory. During the past year, when disturbances of a grave character were anticipated, and when delay in the execution of orders to military organizations would probably have resulted in serious loss of life and property, I obtained prompt and cheerful military assistance, and, in my judgment, secured rights of the most vital character, and obedience to our laws, by indicating the possession of ample power to enforce them.

The military arm of the government performed its proper and highest functions in sustaining the civil and religious rights of the people. Thus it has been made conspicuously plain that no abridgement of the right of any of our citizens to peaceably assemble, can be successfully or safely undertaken—and that like their rights to a free press and free speech, all attempted encroachments will be fearlessly and promptly met. All men, of every creed and race, are alike interested in preserving and perpetuating these inheritances.

Orders have been issued for the alteration of our muskets into breech-loaders, and our arms will thus be of a quality and efficiency the most approved.

STATE PRISON MATTERS.

The statements of no department will be read with more satisfaction, as to financial and other results, than those of the State Prison.

My predecessor justly claimed that under the old method of management, the results were simply costly and vex-

ations. By common consent, members of both political parties agreed upon the passage of a law, making possible an economical and non-political management. In the main this result has been achieved, and to it may be traced the great saving to the State of nearly two hundred thousand dollars, within the two and a half years of its trial. To this may be added of material gain, the better discipline of prisoners, and their improved morals.

The condition of the prison, and the economy of its management have been such, that I feel it a public duty to urge the retention of its now experienced, faithful chief officers.

The system of contract labor works advantageously, thus far, although it does not produce the entire profit to the State that it is possible to derive from prison labor,—I do not deem it desirable, however, to change, at present, the system of employment.

It seems to me that unnecessarily large expenditure is made each year by the State, for the transportation of prisoners, and cost of their commitment, amounting to nearly $24,000. If this expense were laid upon the county sending the prisoners, the State would be greatly the gainer, and an equitable method would be reached of imposing such expenses directly upon taxpayers most benefitted.

It seems to be conceded by all intelligent persons, who have made the subject of the reformation of criminals a study, that every influence upon prisoners, whilst within the custody of the State is largely lost, if it be not supplemented by some care when they are discharged. The resolutions of penitential hours are broken, too often, under the ordeal of forced idleness—the great body of employers refusing work to discharged convicts. It is the sad history of too many prisoners, returned for second offences, that in sheer despair, and after fruitless efforts to obtain honest employment, they fall victims to necessity and temptation. The State may properly consider the policy and humanity of providing labor for those discharged convicts who desire the means of temporary subsistence, and the opportunity of indicating their purpose to live lawfully.

STATE LIBRARY.

With the completion of the addition to the Capitol, the rooms of the Library will be largely increased. The appropriation for additional books, long needed, should be in considerable excess of former years.

AGRICULTURAL COLLEGE, &C.

The Trustees of the College and Scientific School report very favorably upon these Institutions. The school farm gives practical evidence of what may be accomplished by agriculturists having scientific knowledg to gnide them.

The Scientific School has obtained an enviable reputation at home and abroad, and so marked has been the training of its graduates, that, in most instances, they have advanced at once, from their studies to positions of honor and profit.

The State is at no real cost for the maintenance of these institutions, the moneys given being the annual interest derived from the United States Fund, granted for the purpose. I believe we could contribute an additional sum to the enlargement and support of these schools, with advantage to our people.

REFORM SCHOOL.

The Boys' Reform School, at Jamesburg, fully meets the anticipations of its philanthropic founders—and the generous care bestowed upon its management, by some of our most eminent citizens, insures its growing influence.

It is founded upon the principle that the duty of the State is to make provision for that class of children who, neglected and destitute, commit petty crime under temptation, and are still within the reach of reformatory measures. The institution is certainly fulfilling its mission, and deserves the constant protection of the State. The reports of its officers abound in valuable information.

GIRLS' INDUSTRIAL SCHOOL.

The great success which has attended the Reform School for Boys, together with the evident failure to produce reformation in youthful female convicts, who were thrown among older convicts of their sex, indneed your predecessors to grant an appropriation for the establishment of a School of Reform for Girls. The Commissioners of the school have bestowed commendable zeal and care in reaching their conclusions, and the school has been finally located at Trenton. A perusal of the report will show that the institution will begin its career of usefulness under favorable circumstances. At no distant day, the buildings now occupied for the care of soldiers' children will be no longer needed, and they may then be used advantageously for the purposes of this institution.

SOLDIERS' CHILDREN'S HOME.

This benevolence of the State has now been in operation over seven years, and has during that period cared for and largely educated over one thousand children of soldiers.

The average number during the present year has been two hundred and fifty, two—about three-fifths boys, and the remainder girls.

Beyond question, a great amount of suffering has been spared to these almost helpless children—and being retained at the institution until their fifteenth year, they begin the duties of life with advantages not else to be had by them.

If it is practicable to give them the elementary knowledge of mechanical or other industrial pursuits, the Home, it seems to me, would more amply fulfill its original purpose.

FISHERIES.

So rapidly were the fish being taken from our numerous streams and lakes, that your predecessors deemed it proper to enact a law, with a view to protecting those remaining, and making provisions for their propagation. The report of

the Commisioners will be found very interesting. When it is remembered that no food is more nutritious, nor more cheaply provided, than our rivers once amply supplied, and are yet ready to furnish, under proper protection, the recommendation of the Commissioners for additional legal power will be appreciated, and, I trust favorably entertained.

GENERAL LAWS.

The evils of special legislation have become so manifest, that the oft-repeated arguments in favor of general laws, scarce need rehearsal.

Our statute books are filled with laws, that are substantially, mere repetitions of each other—convenience and economy, therefore, dictate their operation under the general system.

To the legislative branch of the government, a vast saving of time would be secured by its adoption. To the judicial department, the economy of labor would be a manifest advantage. To the public, the certainty of just and equal privileges, which such laws establish, would go far toward insuring the accretion of capital within our own borders, the healthful and steady development of industrial enterprises, and security against the wrongs, which special privileges, by legislation, are calculated to engender.

There is no railway enterprise, which capital may desire to develop, that cannot now be left to the protecting care of a law universal in its application. There can scarcely be a manufacturing or other industrial interest that will not obtain under such enactment, all necessary protection. The larger proportion of town charters would be obviously improved under a system of clear, explicit, and well-defined authorities. As a whole, these charters are now the source of vexation and wrong to the people, cumbersome in detail, framed frequently for sinister purposes, and almost inviting the corrupt among town and municipal officers to frauds and oppressions with which the times are fraught.

NORTHERN LUNATIC ASYLUM.

The last legislature appropriated one hundred thousand dollars ($100,000), for the purchase of lands, and the commencement of the erection of a Lunatic Asylum, to be located in the northern portion of the State. The commissioners appointed under the law have made a very full examination of the sites offered for their inspection, which seemed at all suitable to meet the requirements of the act.

They have selected, under my approval, a site near Morristown, which has the requisites of healthful location, abundant supply of water, and building materials in ample quantities. To these advantages of an economic character, are added those of nearness to the more densely populated portion of our State, and immediate proximity to the markets from which the large supplies necessary to such an institution can be most readily and cheaply procured.

About seventy thousand dollars ($70,000), has been expended in the purchase of land—over three hundred and fifty (350) acres, and the residue of the appropriation will need to be augmented for the necessary work of the coming year.

LEGISLATIVE COMMISSIONS.

The tendency of recent legislation in this, as in other States, has been to endeavor, by legislative commissions, to redress the inevitable evils in municipal affairs, ever lurking under our form of government. This method of correction is anti-republican in spirit, and no evils, temporarily redressed by its application, can be so great as those created by the effort. One system of encroachments makes way for a greater, and a free people who quietly submit to the transfer of the privileges and powers of their local government to a central State power, will find no embarrassment in yielding the rights and powers of the State to a central federal head, when called upon so to do.

The true correction for abuses under municipal government lies in elevating the character of local rulers, and re-

cent experience has taught us, that, as in New York, it is safe to rely on the ultimate assertion by the people of their rights, and their punishment, tardy though it be, of wrong.

BRIBERY LAW.

Notwithstanding the doubts expressed as to the practicability of enforcing a law against bribery at elections, experience gives evidence, during the past year, of the most beneficial results attending the enforcement of the recently enacted laws on this subject. At no time, within twenty years, have our elections been so free from the disgrace of corruption at the ballot-box, as during the late elections.

The law should be amended so as to permit the Executive to offer such liberal rewards for the conviction of persons violating it, as to insure zeal in its prosecution. This done, and faithful public officers will possess ample power to repress an evil, that, of all others, in government is most dangerous.

GEOLOGICAL SURVEY.

The report of this board, contains, as usual, the most valuable information. To the labors of the Commissioners, and especially to the State Geologist, our agriculturists and miners are indebted for long needed knowledge.

Under the supervision of this board, plans for drainage are now being prepared, by which thousands of acres of the best producing land in the country will be rendered available. The increase each year in taxable property alone, made so under intelligent direction, will more than suffice to pay the cost of maintaining the commission for years to come.

LUNATIC ASYLUM.

This institution has now been in operation twenty-five years, and continues to sustain its reputation of one of the most successful of this class of humane undertakings.

It has cared for more than four thousand afflicted persons during its existence—has fully restored fifteen hundred of

them—partially restored over one thousand, and has now under its care seven hundred patients. Its receipts from all sources for the year have been, say $172,000—and its expenditures were $167,000. Of these receipts private patients, of whom there are ninety-eight, contribute $30,000. The various counties contribute $105,000—the residue being taken directly from the State treasury. The value of personal property connected with the Asylum is, $85,000.

The institution continues to care for a much larger number of patients than it was originally designed for. The Northern Asylum, when completed, will not only relieve the existing one, but provide for the care of several hundred persons in addition. Under any circumstances, however, it must be many months before sufficient accommodations can be had for the care of our insane by the erection of new accommodations. The work upon the Northern Asylum, now the selection of a suitable site has been made, will be energetically forwarded.

No expenditure the State may make for the care or relief of this most afflicted class of its citizens, should be more promptly met, or cheerfully acceded to.

RIPARIAN MATTERS.

The labors of the Commissioners, having in charge the riparian interests of the State, have been very considerable during the year, and the pecuniary results continue to vindicate the propriety of the State's care of this portion of its domain. Applications are now pending, by which a large sum will be placed in the treasury at an early day.

Especial attention is requested to the recommendations of the board with reference to the oyster fisheries of the State. Laws may be enacted by which a revenue will be realized, and protection given to the owners of our extensive oyster beds, and that without a burthensome impost. The moneys received from the rental of oyster beds in the various shore counties is usually dedicated to the assistance of the county schools.

Your attention is called to the extension of the shore line of New York bay by the authorities of New York. Whilst New Jersey has steadily adhered to the line laid down by the United States authorities as the proper exterior one, our neighboring State has deemed it proper to extend her limit from one to two hundred feet. It may now not be practicable for the authorities of New York city to make the long needed improvements, essential to the call of her great commerce, without these encroachments upon the harbor, but with our own great interest in preserving the usefulness of our common harbor, it should be a matter of solemn compact, that further extension of exterior lines should forever cease.

RAILROAD MATTERS.

During the year my attention has been frequently called to the great delay of passengers on the railways using the Bergen tunnel. Over five millions of persons, probably pass through this great thoroughfare during the year, and the unnecessary delay of even a few minutes to each person, makes the aggregate an enormous loss of time. When, however, to an unavoidable loss consequent upon the numerous trains seeking the convenience of the tunnel, a much greater loss occurs, because of what seems to the public, a most unreasonable and unreliable compact between the companies controlling it, by which persons are made to wait upon the slow transit of cattle and merchandise; then in my judgment, it becomes the duty of the State to designate by law, what I believe to be the ever superior rights of the people.

The companies using the tunnel are controlled by foreign corporations, whose interests, though largely identified with ours, in fact, seem to be used at times against us. Our people are not called upon to discuss the equities between the two great companies. They know that by our authority, most valuable franchises have been granted to them; that they are held subject to legislative control; and that it is within the clear province of your honorable bodies to enact such laws as will protect them in their reasonable demand to suffer no unnecessary delay in transportation, nor risk of life or property.

That property is now being lessened in value, and population, in a most thrifty portion of our State, retarded in growth by the want of authority in State officers to remedy an obvious wrong, is well known.

It may be a matter of your serious consideration whether with our large and rapidly growing railway interests, the time has not arrived when a Board of Railway Commissioners should be appointed under State authority, whose duties would embrace among others, the prompt settlement of just such vexatious questions as that under consideration.

When it is remembered that a number of persons, equal to one-half the population of the United States, travel upon our railways each year, and that although the general safety of their management has no equal, probably, in the country, yet of employees and careless persons walking on tracks, hundreds are killed annually—the saving of life alone which would ensue from the enforcement of intelligent and systematic regulations would seem to warrant the induction of a system now healthfully enforced in many other States.

If to this consideration be supplemented the greater safety given to travelers, by constraining the use of additional and well tested safeguards to life and property—of which some exist and are not universally used—because of the cost—not only the humanity of such a law seems plain, but the duty of its enforcement becomes almost imperative.

To an intelligent Board of Railway Commissioners might be properly confided the adjustment of many serious questions now vexing our courts of law—almost wholly of a practical murder—and without the domain of ordinary legal knowledge. Of this class may be mentioned, rights of way, lands damages, injury to persons and property, construction of business contracts between railway companies, and between them and citizens.

Believing, as I do, that such a board would under proper legal restrictions as well as powers, really be a benefit to the corporations as well as an advantage to our citizens, I commend the subject to your consideration.

So intimately interwoven have become the interests of government, State and Federal, that it is scarcely possible to consider the welfare of the one, without regarding the conduct of the other.

Within the past week incontrovertible evidence has been furnished, to a committee of United States Senators, by witnesses of the highest reputation and position, showing that State Legislators are originally nominated, and afterwards elected, under the dictation of Federal office-holders; and a great neighboring State presents, to-day, the humiliating spectacle of having the chief officer of its most popular branch of the State government, put in place by the power, and sustained in position by the patronage of the Federal government.

With such facts fresh to common knowledge, it would be singular if State executives did not endeavor, at least, to warn their people of dangers already upon them. For reasons springing from just such acts as related, or hereinafter stated, I have deemed it appropriate to call your attention to such actual or contemplated Federal action as in principal or practice affect our people.

From the beginning of the war, there has been a manifest tendency of Federal authority to trespass upon the clear and indisputable rights of the States. During the war, much that was questionable, at least, was lost to severe criticism, because of the presence of a common danger, and for other patriotic considerations. It is not singular, perhaps, that no inconsiderable portion of the legislation touching the interest of the Southern States, should, at the outset, have been based upon the theory of the doubtful fidelity of their citizens.

But it is foreign to sound statesmanship that, at this comparatively late day, the crude, unjust and altogether narrow and illiberal policy, born of the excitement and passion of war, should be attempted to be wrought out in what should be, and could be, an era of peace and reconciliation.

The fruits of such an unwise and anti-republican policy are not visited, however, upon the seceding States alone. No more significant evidence of the perniciousness of the whole system of Federal interference with the local affairs of the Southern States can be had, than that furnished by the recent action of Federal officers in the State of Illinois.

When a great calamity had visited its chief city, and protection to life and property was no doubt needed—instead of obtaining the request or concurrence of State authority to assist in a protection which would have been commended by all good citizens, the Federal general, commanding that department, assumed the control of mere police powers—enlisting persons liable to State authority and duty, to perform a service under Federal military authority, and that against the urgent remonstrance of the Governor of Illinois, himself of tried and distinguished patriotism, and of political sympathy and associations with the great party in power.

For this flagrant assumption of power, twice repeated, and after urgent protests made to the President of the United States, and when the Legislature of the State had provided ample protection to Chicago, there seems to be no excuse. It will be known in history as power ignorantly or wantonly assumed and defiantly continued.

The questions involved in this action are of vital interest, and by no means cease in their effect upon the people of Illinois. They are of direct and special interest to us. They involve the decision of a great principle, for if it be successfully maintained that the President of the United States, either on his own volition, or at the instigation of an ambitious or ignorant army official, may order troops to perform police duty in Illinois, then we of New Jersey, hold our constitutional rights, not as heretofore, sacred and inviolable, but at the caprice or mercy of corrupt or ambitious rulers.

These may seem strong expressions, but they are borne out by facts. The purest and best men of both parties should and do unite in sternly rebuking acts unwise, illegal and unnecessary.

Acts like the usurpation in Illinois, the harsh and merci

less enforcement of the unwise, if not illegal and unnecessary Ku-Klux law—the apathy in protecting the lives and liberties of our citizens subject to foreign outrage—these, and kindred acts and negligence upon the part of Federal authority have aroused a remonstrance and demand that no Republican rulers can pass unheeded.

At no period within many years, has the situation of the country been more favorable to the expression of honest and non-partisan conviction, and to labors of patriotism, than the present. The country is measurably free from domestic disturbances, and is at peace with foreign nations; the public mind is substantially at rest as to the great issues which the war evolved—the great parties of the country have been forced from their ancient political moorings—and once hotly contested questions of principle or policy, have by circumstances, been established as inexorable facts, and are no subjects of sensible controversy. New, practical and paramount questions have so far engrossed the labors of patriotic men, that old issues largely live in history alone. So true is this, that statesmen of widely divergent views, a few years since, are now found in substantial agreement upon the policy and measure of Government which are to determine its stability and prosperity.

Leading journalists and public men of both the great parties, unite in seconding the public demand:—

That there shall, hereafter, be a strict subordination of the Military to the Civil power.

That no power, under any pretext, shall be lodged in the President of the United States, to suspend the writ of habeas corpus, in time of peace.

That all temptation to the abuse of Executive power, or use of Federal patronage for furthering ambitious designs, be done away with, by limiting the Presidential tenure to a single term.

That, conceding every necessary power to the Federal Government, as an indispensable condition of the true and proper relations between the States and the Federal Government, no power not expressly given to the one, shall be as-

sumed or be permitted to be exercised by the other—believing a jealous guardianship of these rights by the States to be the true and only protection from the natural tendency to centralization of power, and the subversion of Republican government.

That no unequal tariff laws be made, by which one branch of industry is burthened to foster another; by which business is made capricious and fitful, and manufacturing and industrial enterprises are compelled to pay a debasing tribute to corrupt men at Washington.

That all laws shall be framed with a view to the full and equitable rights of labor, between which and capital no serious antagonism should or need exist, the necessity of labor to create and utilize capital being acknowledged on the one hand, and the value and beneficence of righteously used capital being appreciated on the other.

That no further grants be made of the public land to assist private corporations, and especially that no legislation be had that may further increase the vast and dangerous power of corporate bodies—who make legislators at will, whose agents tamper with judicial powers, and whose tendency is to invert the order of their being, becoming themselves the custodians of power, upon which they should ever be dependent.

That inflexible resistance should be made to all such schemes as National Bureaus of Education and Insurance, or the purchase or operation of telegraph lines by the General Government, as not only being without the true scope of Federal authority, but contributing, by the creation of great additional patronage, to dangerously and expensively increase the already vast powers of the government.

To these opinions, conspicuously expressed by men of all degrees and varying political faith in the past, may be properly added their sincere purpose to faithfully observe all constitutional obligations, whether of long acceptance or recent origin—to defend the personal right of each member of society to life, religious and political liberty, and to property, without distinction of creed, race, or color—and, as a

corrollary to this purpose, they demand amnesty, full and complete, for all past political offences.

With corruption, Federal, State, or Municipal, they propose to deal mercilessly; for such bestowal of public offices, as provide for favorites and relatives of officials, regardless of fitness, their censure is that of a people who keenly feel the dishonor put upon them.

That a large majority of the people of the country hold substantially to these and kindred views, there is no room for reasonable doubt.

If blind adherence to mere party prejudice be mistaken for adhesion to political principle, then will our people omit to manifest their right and power, demonstrating ours as the age in which public virtue proved itself unequal to its transmitted duties.

THEODORE F. RANDOLPH,
Governor.

LETTER

OF

GOVERNOR RANDOLPH

TO

HON. CORTLANDT PARKER.

OCTOBER 26, 1871.

LETTER.

EXECUTIVE DEPARTMENT,
TRENTON, October 26, 1871.

HON. CORTLANDT PARKER:

SIR:—During the recent session of the Legislature, among other bills passed by that body was one entitled "An act to incorporate the German Valley Railway Company." The official record shows that it passed the House of Assembly on the 29th day of March, 1871, and the Senate all of its readings—on the next day, March 30th, 1871.

It is claimed by the friends of the bill that it was delivered to me *in person* on the evening of March 30th—practically, Friday, March 31st, as the part day of delivery is never considered.

If this statement be correct, then a most unusual proceeding was resorted to, inasmuch as the invariable custom has been to present passed bills to the Private Secretary of the Governor, whose duty it is to register them as to their number, title, time of receipt, and final disposition.

It is possible such delivery was made to me, and in the usual manner described, and if so, we may account for my official register naming Tuesday, April 4th, instead of Friday, March 31st, as the day of receipt—the intervening time being the usual recess of the Legislature, within which, from its irregular mode of delivery, the bill may have laid among the great accumulation of papers ever consequent upon the closing hours of legislation.

However this may be, and whatever may have been the

exact period of the delivery of the bill to me, whether Friday, the 31st of March, or Tuesday, the 4th of April, I classed it as among those bills subject to my constitutional right of approval, veto, or defeat by inaction.

It will be recollected the Legislature did adjourn, *sine die*, at noon, on the 6th of April.

So great was the labor of considering the important bills placed in my hands during the five closing days of legislation that I resolved to economize my time by approving such as I properly could, retaining without veto the remainder.

My habit has been, and until now without discussion, to consider the five days allowed the Executive by the constitution ("Sundays excepted,") as five days within *each* of which the Legislature should be in session. When it chose to intermit its sitting, thus rendering it impossible for the Executive to communicate with it, I have deemed the time thus vacated by its own act as not within the days contemplated by the constitution. I believe this view has been usually held by my predecessors in office.

Before proceeding to other matters, it may not be inopportune to give my opinion of the *character* of the bill in question.

Under the pretext of a charter for a short local railroad, in a rural and somewhat isolated district of the State, having as incorporators residents of this district, who were totally ignorant of the use their good names and reputation were being put to, the title of the bill being an old and familiar one, implying the consideration of a long-sought for local demand; the body of the bill filled with provisions, applicable to local charters—and though generally reading as local bills do—yet filled with ingenious sentences and interpolations that, strictly construed, gave, under this single charter all the necessary and lacking powers for the completion of a road between the cities of New York and Philadelphia; for the charging of most exhorbitant rates of transportation; for the condemnation of lands over a large extent of territory; for the bridging of any and every

stream it chose to, without restriction to the convenience of commerce; for the consolidation of all its property and privileges with those of any other corporation in or out of the State; for the absorption of the rights, property, privileges of any other corporation within itself; and finally, for the indefinite extension of its capital to such an amount as might be necessary to cover the sum it chose in any way to expend. With these powers the bill came to me for action.

I doubt if the seventeenth section of the German Valley bill has its superior in comprehensive grasp and ingenuity within the history of our State legislation. And so the whole bill seemed to me at first reading, without a suggestion by any one, for or against the bill, and time but enforces my first conviction.

To a fair and openly obtained bill for a railway line from New York to Philadelphia, I should have unhesitatingly given my official sanction, but I could not lend myself to a transaction that would not, in my judgment, recieve the approval of honorable men.

This brief sketch of the German Valley bill, of the practice of the Executive Department of this State, and of my opinion of the bill itself, I deem desirable to your full understanding of the views hereinafter expressed.

Persons interested in the privileges of the German Valley bill, failing to obtain my official sanction to its provisions, have instituted a suit in the Court of Chancery of this State —"Thompson vs. German Valley Railway Company"—the whole object of which is manifestly to test the validity of the Executive action.

I have been twice subpœnaed by a Master in Chancery to appear as a witness and give evidence in the suit, bringing with me the "original engrossed copy of the German Valley bill," &c. To both of these documents I replied that as their terms indicated a purpose to inquire into the Executive action, I declined to obey them.

The Chancellor, to whose attention these documents and my non-attendance has been called, has caused to be served

upon me, as a citizen, a summons, directing me to show reason why I should not appear and testify, bringing the official papers referred to.

This act of the Court of Chancery presumes, therefore, to define when the Executive prerogative ceases, and the liability of the citizen begins.

Now, without desiring that my official action shall be considered—even to the extent it shall go—as a precedent, by which my successors in office shall be bound, I desire you to appear before the Chancellor on Tuesday next, at Trenton, and after stating to him that as a matter of courtesy and respect from a co-ordinate branch of the government to that branch of which he is a member, you appear to make certain statements to him, and to request that their substance, at least, be entered upon the records of his court.

Added to those statements which your legal learning will place before the Chancellor, you will please state, from me :—

That all my knowledge in the case in controversy, and all my possession of papers desired, is absolutely official in character, and comes from my position as Chief Magistrate of the State.

That, as heretofore stated to him, under an official note of October 16th, 1871, I deny the authority of the Court of Chancery to compel my attendance before it, to answer for any official act of mine.

That the Executive Department of the Government, being alone the department whose functions are never to be intermitted, and, therefore, unlike, in character, the functions of both the judicial and legislative branches of government, it follows that no authority (save through charges of impeachment) can suspend the Executive functions; and, if this be true, preliminary steps by judical summons are, at least, useless.

That the Legislature is the constitutionally authorized authority to obtain answer from me for my official action or inaction, and that no warrant is to be found in the organic law for the interference of the Judicial Department of the Government with that of the Executive; and that, whilst

paying the highest respect, as a citizen, to the Judicial Department of the State, and desiring to obey, as a citizen, all its summons, I cannot and will not consent to any improper interference, from any quarter, with the Executive office, its duties, dignities, or prerogatives; and that, as the only member of the Executive branch of the Government, I am constrained, especially in the absence of precedents in this Commonwealth, to be the sole judge of what the duties of my office are, and of what may constitute a trespass upon the authority and privileges of this co-ordinate branch of the State Government.

That aside from the authority wanting within the Judicial Department to interfere with the incomplete duties of the other departments of government, it will be observed:

That no plea of *necessity* can be entered to warrant the act, for if the Executive of the State, in disregard to his obligations, attempts to defeat the expressed will of the Legislature, or attempts to deprive a citizen or corporation of its rights, by neither signing a bill nor returning it, with his objections, within the five days constitutionally allowed him, then the Legislative Department, being in session, has a full and complete remedy against the Executive wrong, by simply ordering an engrossed copy of the bill filed in the State Department, *when it becomes law.*

If it be said that the Legislature, by a final adjournment, may be unable to thus complete its work, I answer this cannot be so, for if it *do* adjourn prior to the expiration of the five days, there is no question on any side, but the fate of the bill rests solely with the Executive; and if it do *not* adjourn prior to the expiration of the five days, the Legislature is certainly competent to finish its own work in the manner I have indicated—*i. e.*, by ordering a copy of the bill overheld, filed in the State Department.

The *cause* of the omission of the Legislature to avail itself of its right to order a bill filed in the State Department—should it omit so to do—can never be legally known to the courts; and whether it be from purpose or neglect, the result is equally fatal.

Under this view of the case, action upon the bill in any form, by the Chancellor, would, it seems to me, extend the exercise of his equity powers to *Legislative* omissions, as well as *Executive* inaction, and would perhaps render the judicial functions of that court somewhat more ramifying than we have heretofore supposed them to be.

The reasons I have assigned for declining to recognize the authority of the Judicial Department over the Executive action, are so conclusive with me that I should be content to rest the case here.

But the mere attempt to exercise the power of one branch of the government against the other, seems to me both unfortunate and dangerous, and with a view of having the whole question promptly decided by our highest legal tribunal, I have deemed it advisable, for the public good, to take this course—to place the engrossed copy of the German Valley bill in the office of Librarian of this State—where incomplete bills have in many instances been deposited by the Legislative Department, although not uniformly.—Within this office the bill will be subject to the Chancellors order and my own alone.

The responsibility of its use, after the official statements I have made directly, and through you, to the Chancellor, will hereafter rest solely upon him.

If he remains of the opinion that the paper is a proper one to be considered by his court, his order will now obtain it from the Librarian. If used in such a manner as to hereafter permit the consideration of the subject by the Court of Errors, I shall consider it my duty to employ counsel for this department to contest the constitutionality of its use.

Respectfully,

THEODORE F. RANDOLPH,
Governor.

Thanksgiving Proclamation,

— 1869. —

PROCLAMATION.

To acknowledge the goodness of Almighty God, and render to Him the sincere homage of grateful hearts, is the duty of a christian community, and upon no people does this obligation rest more fully than upon this Commonwealth.

Recognizing this obligation, and conforming to a time-honored and revered custom of the people of this State, I earnestly recommend to my fellow citizens that

Thursday, the Eighteenth day of November next,

be observed in the State of New Jersey as a day of Thanksgiving and prayer; and that, abstaining from our usual avocations, we gather in Divine Worship on that day, rendering unto God our grateful tribute for His unmeasurable mercies and blessings to us as a people.

Given at the Executive Chamber, in the city of Trenton, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and
[L. S.] of the Independence of the United States the ninety-fourth.

THEO. F. RANDOLPH.

Attest:

SAMUEL C. BROWN, *Private Secretary.*

Thanksgiving Proclamation,

— 1870. —

PROCLAMATION.

In the year drawing to a close the people of New Jersey have been blessed with Peace, Health and Prosperity. We owe these favors, and all others to the goodness of Almighty God.

With a view of manifesting our gratitude and of gathering in common worship all classes and conditions of the inhabitants of this Commonwealth, irrespective of sectarian, political, or other differences, I, THEODORE F. RANDOLPH, Governor of the State of New Jersey, do hereby appoint

Thursday, the Twenty-fourth day of November,

As a day of Thanksgiving and Prayer, and recommend its observance as such.

Given at the Executive Chamber, in the City of Trenton, this fifteenth day of November, in the year of our Lord one thousand eight hundred and seventy, [L.S.] and of the Independence of the United States of America the ninety-fifth.

THEODORE F. RANDOLPH.

Attest:

SAMUEL C. BROWN, *Private Secretary.*

Thanksgiving Proclamation,

— 1871. —

PROCLAMATION.

Whilst great trials and afflictions have come to the people of sister States, we of this Commonwealth, not more deserving of the mercies of God than they, have in a peculiar manner, been the recipients of His Almighty care and goodness, during the past year.

That we may, as one people, laying aside all differences of creed or faith, join together in grateful acknowledgment to Almighty God, for His mercies and blessings, I, THEODORE F. RANDOLPH, Governor of the State of New Jersey, do hereby appoint

Thursday, the Thirtieth day of November,

as a day of thanksgiving and prayer, recommending its observance as such by all our people.

Given at the Executive Chamber, in Trenton, this seventh day of November, in the year of our Lord [L. S.] one thousand eight hundred and seventy one, and of the Independence of the United States of America, the ninety-sixth.

THEODORE F. RANDOLPH.

Attest:

SAMUEL C. BROWN, *Private Secretary.*

PROCLAMATION,

JULY 12, 1871.

PROCLAMATION.

The Constitution of the State of New Jersey enumerates among other "Rights and Privileges" that "the people have the right to freely assemble together." It also proclaims that "no person shall be denied the enjoyment of any civil right merely on account of his religious principles." It also makes the Governor of the State "Commander-in-Chief of the military and naval forces of this State," and, under this oath of office, makes it his duty "to promote the peace and prosperity, and maintain the rights of the State."

Now, it having come to my knowledge that a body of inhabitants of this State, in conformity to a custom among them, and in consonance with the custom of other bodies or societies of inhabitants of this State, propose to celebrate what to them is deemed an Anniversary day; and it having come to my knowledge that interference with this contemplated celebration may possibly take place, by reason of which a serious disturbance of the peace of the commonwealth would probably ensue; now, therefore, I, THEODORE F. RANDOLPH, Governor of the State of New Jersey, do hereby proclaim that both the letter and spirit of the Constitution of our State of New Jersey, as well as the long-established custom of our people, to permit and protect all peaceful gatherings of the inhabitants of this State, irrespective of religious or political creed, make it the lawful RIGHT of any body of peaceful citizens to assemble together; and that Right cannot be abridged or interfered with by any unauthorized body of men, of any nationality, creed, or religion, whatever the real or supposed provocation may seem to be.

And I do, therefore, enjoin upon all good, law-abiding

and peaceful citizens of this, our State of New Jersey, to assist in every way in preserving the peace, good order, and dignity of the same, not only by abstinence from provocation, but by acts of toleration, forbearance and true manliness.

And I hereby warn all persons from other States, who may seek, by acts of provocation, to interfere with the peaceful assembling of inhabitants of this State, that such offence against the peace and good order of this commonwealth, will be promptly and rigorously punished by our authority.

And I do further enjoin and command all legally constituted authorities of this State to fully protect all peaceful assemblages of our inhabitants, using every means at their command to enforce this Proclamation, assuring all such properly constituted authorities that, in the event of the insufficiency of the ordinary local power, the entire power of the State, will, if necessary, be called into exercise, to compel at any cost, respect and obedience to our laws.

And I do further enjoin upon the members of the Society especially proposing to assemble together to-morrow, the exercise of the utmost patience, care and discretion in the pursuance of their Rights, bearing in mind that to a large portion of our fellow-citizens the peculiar occasion of their gathering is deemed an unnecessary revival of an ancient political and religious feud, of no general interest to the great body of our American citizens ; and that though they are sustained in their right to peacefully assemble together, they are by no means sustained, as I firmly believe, by any large number of sincerely patriotic and Christian people in the expediency of that right at this time.

Given at the Executive Chamber, in the City of Trenton, this Eleventh day of July, in the year of our Lord, one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-sixth.

THEODORE F. RANDOLPH.

Attest :

SAMUEL C. BROWN, *Private Secretary.*

PROCLAMATION,

CHICAGO RELIEF.

PROCLAMATION.

EXECUTIVE DEPARTMENT,
TRENTON, October 10th, 1871.

To the People of New Jersey:

The great city of Chicago has been visited by a calamity unparalleled in modern times, aside from the loss of property that will bring ruin to thousands of families. The immediate personal suffering of homeless and distressed men and helpless women and children calls for the most prompt and liberal aid from humane persons in the land to give immediate direction to the generous purposes of the people of New Jersey. I urge upon all local authorities in cities through constituted committees and the clergy of all denominations; in towns through the town committees aided by resident benevolent citizens; and in the rural districts by local organizations, and the most prompt gathering of our people and the speedy contribution of money and clothing for the relief of the suffering. Almost every household has clothing that can be spared, and the contribution of it cannot be too quick nor too abundant. Almost every inhabitant, rich or poor, of our prosperous State can give for such a purpose. It is both the duty and a privilege so to do. As Jersey City and Camden are convenient points to every portion of the State, to which contributions of every kind may be quickly sent, and from which they may be forwarded to Chicago without delay, I suggest that all such donations of money and clothing be addressed to the Mayors of those cities, who will at the proper time make a public and detailed acknowledg-

ment of all their receipts. I will also appoint in behalf of the State such assistance to these officers as they may require, and I will personally attend to and insure the safe and prompt transmission of all contributions the charity of our people may place at our disposal. A population larger than our city of Newark contains, is without food, raiment or shelter, wearied in body to the last degree, distressed in mind beyond expression, and houseless and homeless upon the verge of winter. Whilst the Almighty has seen fit to permit this desolation, let us by large gifts of that which He has bestowed upon us, show our gratitude for our prosperity for all his mercies.

THEODORE F. RANDOLPH.
Governor of New Jersey.

PROCLAMATION,

BRIBERY AT ELECTIONS.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

WHEREAS, the Legislature of the State of New Jersey, did at the last session pass a law, entitled "An Act relative to Bribery," a copy of which is made a part of this Proclamation.

Now, therefore, I, THEODORE F. RANDOLPH, Governor of the State of New Jersey, do hereby enjoin upon all chief judicial officers of this State, upon all local magistrates, upon sheriffs and their deputies, upon police officers and constables, and upon all officers of the State who have especially taken upon themselves the oath to bear true faith and allegiance to the government, to see that, to the best of their ability, the provisions of this law be fully and faithfully executed.

And I do further enjoin upon the State Attorneys for the several counties of this State the prompt and vigorous prosecution, without fear or favor, of all persons or corporations who may in any degree render themselves liable to the penalties of the law against Bribery and Elections.

And I do further enjoin upon all good citizens of this State the execution of this law, as far as in their power lies, by rendering information to magistrates and to Grand Juries, that will serve to cause the arrest and conviction of any officer or corporation, or other person or persons, who may, directly or indirectly, bribe or attempt to bribe, or give means to bribe, any voter of this State, or who may be guilty of receiving a bribe from any person or corporation by which a vote shall be influenced.

And I do hereby offer a reward of ONE HUNDRED DOLLARS for the arrest and conviction of any and every person who may be found violating the provisions of said law at the coming election in this State—said rewards to be paid until the total amount expended for this purpose shall reach the sum of FIVE THOUSAND DOLLARS.

The affidavits of persons upon which the arrests and convictions shall be had, determining the claimants of reward, and the priority of convictions, to determine to whom within the aggregate amount the rewards shall be paid.

Given under my hand and seal at Trenton, this seventeenth day of October, eighteen hunded and seventy-one.

[L. S.]

THEODORE F. RANDOLPH.

Attest:

ARTHUR E. BROWN, *Acting Private Secretary.*

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